REPORT

ON THE

Judicial Administration

(Civil)

OF THE

CENTRAL PROVINCES

FOR

THE YEAR 1868.

NAGPORE:

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1869.

BOOK CIRCULAR No. XIII.

FROM

THE SECRETARY TO THE CHIEF COMMISSIONER,

Central Provinces,

TO

ALL COMMISSIONERS OF DIVISION,

Central Provinces,

Dated Nagpore, the 20th May 1869.

SIR,

I have the honor to forward the Annual Report on the administration of Civil Justice in the Central Provinces, for 1868, by the Officiating Judicial Commissioner, with the Chief Commissioner's Review thereon, for information and guidance.

I have the honor to be,

Sir,

Your most obedient Servant,

C. GRANT,

Secretary to the Chief Commissioner,

Central Provinces.

No. 1258/153

From

THE SECRETARY TO THE CHIEF COMMISSIONER,

Central Provinces.

To

THE REGISTRAR, JUDICIAL COMMR.'S COURT,

Central Provinces.

Dated Nagpore, the 4th May 1869.

SIR,

I am directed to acknowledge the receipt of the Judicial Commissioner's Report on the Civil Judicial administration of the Provinces during the past year. This Report has been submitted separate from the Criminal administration Report, because an endeavour has been made during the year 1867 to curtail the number of Civil Courts of concurrent jurisdiction, sitting at one and the same place, and to entrust, as far as possible, to a single Judicial Officer sitting in permanence, and not liable to be so readily withdrawn for employment on other duties, the disposal of all the Civil Judicial business within the limits of his territorial jurisdiction. Mr. Campbell, in his Review of last year's Report,—when referring to a proposal to separate the judicial and executive services in these Provinces, and stating that such a separation would not be advisable at present,—said, in lee l, as quoted by you, that the present system might be modified, and that "his object would be that those duties which most depend on common sense, and an efficient use of the police, and the simpler portions of the Criminal Law, shoul l, as heretofore, be combined with executive functions; while the more regular Civil business and other work, for which exactness of procedure in Courts sitting in permanence is more required, might be entrusted to selected officers set apart for the purpose;" but in carrying this into practice, it was found necessary to be content, for the present at least, with setting apart a single Judicial Officer for the disposal of Civil suits, when one officer exclusively employed on this duty was able to perform all the work. The plan has apparently worked fairly well, and the Officiating Chief Commissioner is glad to learn that in almost every district it has been found possible to introduce the measure with success. Undoubtedly these officers thus permanently and, in most cases, exclusively employed in the hearing and decision of Civil suits, will acquire greater judicial aptitude and greater facility in the performance of this special duty, than they would be able to attain to, if only a portion of their time were devoted to the purpose.

2. Very noticeable in this year's Report is the large increase in the number of suits that came before the Courts. In 1867, the number of suits was 48,159, an increase of 8½ per cent. in the preceding year; in 1868 the number of suits is shown as 56,779, thus giving a further increase of more than 17 per cent. The increase was chiefly in the districts of Nagpore, Wurdah, Chanda, Chindwara, and Baitool, Saugor, and Nursingpore. Although, as mentioned by you, various causes have been suggested as at work in producing the above result, the Officiating Chief Commissioner agrees with the Judicial Commissioner in thinking that to no one of the reasons suggested can any special force be attributed. For instance, if it is said the "hard times induced creditors to realize," it might be pointed out that those districts in which the number of suits has most notably increased have not been the districts in which the distress was greatest.

3. The classification of suits, both as regards their money value and their subject matter, corresponds entirely with the results shown last year, and the increase in litigation which has taken place has been proportionately distributed over every class and value.

4. The experience of a second year thus again shows that the stamp duties imposed on plaints by Act XXVI of 1867 has not had the effect of diminishing, in any degree, the number of plaints filed in the Civil Courts. It appears from the Statements which accompany your Report, that the vast majority of suits tried are suits for debt of one kind or another, and it may be presumed that these suits generally are of a simple nature. There is, however, a remark in paragraph 19 of your Report regarding the effect which the stamp duty on plaints has on suits for immoveable property. The Commissioner of Nagpore expresses an opinion that many suits relating to landed property are kept out of Court by the high stamp fees which the present mode of estimating the value of landed property imposes on plaints of this kind; and then follows an example:—"If, it is said, a tenant-cultivator with the right of occupancy in a field paying Rs. 100 rent, wished to sue his partner in the same, in respect of possession of half the holding, then, unless and until the contrary is proved, the value of the property in dispute would be held to be twenty times the annual profits, say Rs. 1,000, and the plaint would have to be brought on a Rs. 100 stamp.

5. If the rule laid down were really that contained in Act XXVI, the Officiating Chief Commissioner would unhesitatingly pronounce the amount of stamp duty required excessive; but Mr. Morris apprehends that the rule, as enunciated above, is not in accordance with what is laid down in the Stamp Act. Section XI, NOTE *a*, of Act XXVI of 1867, which refers to the stamp required on plaints, indeed says—"In suits for immoveable property, whether paying or not paying revenue to Government, the amount of stamp duty payable shall be computed according to the market value of the property in suit. In suits for immoveable property paying revenue to Government where the settlement is temporary, eight times the revenue so payable; and where the settlement is permanent, ten times the revenue so

payable; and in suits for immoveable property not paying revenue to Government, twenty times the annual net profits of such property shall be taken to be the market value thereof, unless and until the contrary shall be proved."

6. It is on this latter part of NOTE *a* that the Commissioner probably bases his rule, but the Officiating Chief Commissioner cannot perceive either its applicability to the example given, or any analogy between it and the case supposed in the note. First of all, it is assumed that the land in which the plaintiff claims a share in a right of occupancy, does not pay revenue to Government, but such a case would be very rare indeed, and altogether exceptional. It must be remembered that the question when applying the rule contained in NOTE *a*, is, whether any Government revenue is payable on account of the land?—not whether this or that person pays it; and, secondly, NOTE *a* refers to plaints in a suit for full proprietary right in land, not for simple occupancy interest. It is absolutely necessary to understand the great distinction between two such suits. In the one case, the thing claimed is the full proprietary right and title to land; in the other case, the thing claimed is not the ownership of the land, but a certain interest in the land, viz., the personal right to cultivate the land on such terms as are granted to similar cultivators in the neighbourhood—such right being neither transferable by sale nor by gift, unless when distinctly permitted by the custom of the country; in fact, the right is simply a right to hold land on a tenure more favourable than the same land would be held by a tenant-at-will. Supposing a cultivator to bring a suit against his landlord to prove his right of occupancy to the land cultivated by him, then the market value of the subject matter of his suit would (if an endeavour was made to reason by the analogy of NOTE *a*) be not eight or ten times the Government revenue paid on the land, or twenty times the annual net profits of the land, but twenty times the annual net profits of the right of occupancy; and for this purpose it would be necessary to ascertain what is the difference between the net profits on the land when cultivated by a tenant-at-will, and a tenant with a right of occupancy; and this difference would be the net profits of the right of occupancy.

7. The Officiating Chief Commissioner thinks it clear that NOTE *a* has nothing to do with suits for certain interests only in immoveable property. Would a suit to recover a right of way, which is a right in immoveable property, be valued in accordance with the rule laid down in NOTE *a*?

8. In such cases, where it is impossible to lay down any general rule for valuing the market value of the letting sued for, the Officiating Chief Commissioner thinks it would be much preferable to allow the plaintiff to value his own claim, and not to interfere unless there is good reason to believe that the value of the claim has been distinctly under-estimated. The matter is, indeed, of great importance, as suits for rights of occupancy must come very frequently before the Collectors.

and undoubtedly if the rule laid down in NOTE *a* be applied to all suits in which a right of occupancy is the subject matter, such suits must cease to be brought, and a poor tenant will be at the mercy of his landlord. Speaking, however, of actual suits for immoveable property, the Officiating Chief Commissioner can scarcely imagine that any injury is done to owners or claimants of landed property by laying down that plaints in suits for immoveable property shall be on a stamp calculated on the market value of the thing sued for, and it is not apparent why this should discourage such suits being brought. Even before the passing of Act XXVI of 1867, the number of suits for immoveable property was very small, and it is not quite clear that the number of these suits has decreased to any considerable extent since the introduction of Act XXVI. Considerable weight may also be attached to the fact that the Settlement Department has so very recently been engaged in the settlement of all claims to land, and it could scarcely be expected that many suits of this nature would come before the Civil Courts for some time.

9. In reference to the general remarks made by the Judicial Commissioner on the subject of costs, the Officiating Chief Commissioner, while concurring with Major Mackenzie that the costs in suits shown in the Statements probably do not represent all the costs incurred, thinks that they still represent all the *necessary* costs, viz., all such costs as the Courts can allow—all that can be entered in the decree. The costs of executing decrees are not shown; but this is not so important, as the execution of the decree is quite separate from the suit, and as the judgment-debtor has only himself to blame if he fails to take steps to satisfy a decree passed against him; these costs, then, are not necessary costs. Although, as remarked in the Report, "costs are fixed in detail for almost every proceeding, and therefore their aggregate amount is for the most part greater or less, according to the nature of the suit and the pleasure of parties," still the Officiating Chief Commissioner thinks it not unimportant that it should be known what is the *average* cost of suits of various values, and the importance lies in the ascertaining of the compulsory costs, not of the costs voluntarily incurred. Government is hereby enabled to form an opinion as to whether the cost of litigation is excessive, or likely to prevent any class of people from having recourse to our Courts to maintain their rights. No doubt an accurate notion of the cost of suits might be derived from the statistics of a few suits, supposing such suits to be representative ones; but the difficulty would be to ascertain whether the selected suits are representative or not, and therefore it seems as well to take a general average of all suits.

10. Looking to the manner in which the suits which came before the Courts were disposed of, it appears that the proportion withdrawn, decided *ex parte*, by confession, compromise, and arbitration, corresponded with the results of the previous year. A somewhat smaller proportion of suits were decided after contest. The Officiating Chief

Commissioner observes from the Statements, that no general plan has as yet been followed in distinguishing the suits which should be shown as withdrawn without trial from those decided by compromise.

11. Mr. Morris concurs in the remarks made by the Judicial Commissioner, regarding the practice of striking off cases in default, which prevailed in the Station Court at Raepore. Now that one Judicial Officer is expressly set apart for the trial of Civil cases, it ought to be quite possible to study the public convenience more than appears to have been done. The transfer of cases from one Officer to another must also have been rendered unfrequent by the present system.

12. The Officiating Chief Commissioner is glad to learn that the Judicial Commissioner has impressed on all Judicial Officers the advantage that may be derived from inducing litigants to refer their disputes to arbitration, although it appears that arbitration has not yet been rendered more popular. Perhaps the nature of the suits which are chiefly brought before our Courts render the parties unwilling to have recourse to arbitration. Still, the Officiating Chief Commissioner hopes that arbitration may approve itself more generally to the people. Generally speaking, the Civil business seems to have been disposed of with sufficient promptness. The number of appeals preferred still remains very small.

13. When remarking on the large increase in the number of suits during the past, and the tendency of Civil business to increase still further, the Judicial Commissioner observed that it must be our care to provide for the disposal of this increased business. From the tenor of his remarks it may be assumed that he thinks that at the head-quarters of districts the existing Courts will be able to overtake all the work that is brought before them, but that in the interior of certain districts, the Tehseeldars, who are much occupied with executive duties, may not be able to dispose of all the suits which come to their Courts ; and the Commissioner of Nagpore is quoted regarding some districts in his own Division. The Commissioner suggests that perhaps a peripatetic Small Cause Court might be the best means of affording the relief that may be required, while the Judicial Commissioner is more inclined to look for assistance to Naib-Tehseeldars invested with Judicial powers. The Officiating Chief Commissioner would not here enter on the advisability of establishing Small Cause Courts in any of the places mentioned by the Commissioner. The great advantage in a Small Cause Court is that it is presided over by a Judge of superior ability, who decides suits more rapidly than the ordinary Courts. To apply to any existing Court Act XI of 1865 would certainly not increase its efficiency.

14. But the Officiating Chief Commissioner is, on the other hand, not disposed to confer judicial powers too freely on Naib-Tehseeldars. These officers are of an inferior grade, and not unfrequently of inferior ability ; it was not intended by the Central Provinces Courts' Act that Naib-Tehseeldars should have judicial powers, as a general

rule, and by giving judicial powers to a Naib-Tehseeldar as well as a Tehseeldar at the same place, there would be established at the same place two Civil Courts, while an endeavour is being made to have but one Court at any place. Again, although a Naib-Tehseeldar can only hear suits of very small pecuniary value, and his decisions are open to appeal, it must be remembered that these suits generally affect the poorer classes, who can least afford to pay for an appeal.

15. The Officiating Chief Commissioner will, however, at any time be glad to consider any proposals that may be made for appointing additional Judges where it may be necessary. It appears that the Judicial Commissioner has done much during the past year to facilitate the performance of all business, and chiefly of such business, often very important, as is not connected with the actual hearing and trial of suits, and the orders which have been issued will undoubtedly conduce greatly to the convenience of the public; and the general procedure and efficiency of the Court must also have improved, now that they have been supplied with all the laws and orders to which they must conform, and with forms of processes of all descriptions.

16. The Officiating Chief Commissioner is glad to acknowledge the services performed by the Civil Judges, and would convey his special thanks for the improvements effected by the Judicial Commissioner, and the careful supervision which he has exercised.

I have the honor to be,

Sir,

Your most obedient Servant.

J .W. NEILL,

Offg. Asst. Secretary,

No. 378.

FROM

THE REGISTRAR, JUDICIAL COMMISSIONER'S COURT,

Central Provinces,

TO

THE SECRETARY TO THE CHIEF COMMISSIONER,

Central Provinces.

Dated Nagpore, the 22nd March 1869.

SIR,—

I have the honor to submit the Annual Report on the administration of Civil Justice for 1868, with the prescribed Statements as per margin. The several Divisional and District Reports accompany.

IMPERIAL OR STATISTICAL COMMITTEE'S STATEMENTS.

B. 1.—Showing the various Judicial Tribunals, original and appellate.
B. 6.— do. the number and description of Civil suits instituted.
B. 7.— do. the value of Civil suits disposed of.
B. 8.— do. the general result of trial of Civil suits in original jurisdiction.
B. 9.— do. the business of the Civil Appellate Courts.
B. 10.— do. the execution of decrees of Civil Courts.
B. 11.— do. the use of Juries and Assessors in Civil and Criminal Courts.

LOCAL CIVIL STATEMENTS.

II.—Showing the trial of Civil suits in Courts of original jurisdiction in districts.
III.— do. the business of Civil Appellate Courts of districts.
IIIA.— do. the regular appeals preferred to Courts of Commissioners.
IIIB.— do. the cases heard in the Court of the Judicial Commissioner.
IIIC.— do. the appeals heard by Commissioners in Rent-law suits.
IV.— do. the execution of decrees in Civil Courts of districts.
VI.— do. the miscellaneous work of Civil Courts of districts.
VII.— do. the averages and proportions of Civil Courts of districts.
VIII.— do. the Tulubana levied in District Courts.
IX.— do. the work of each Officer during the year.

2. On some previous occasions the Civil Report has been combined with the Criminal Report. Both Civil and Criminal Justice were administered by the same Officers. The duties were in either case equally combined with executive functions. Hence apparently their common treatment in a single Report. But in some characteristic respects, they differ essentially. And under the Chief Commissioner's orders conveyed in his Minute dated 20th February 1868, a system intermediate* between the previous system and one which should effect a total separation of Judicial from executive functions has now been introduced. According to this system, while "those duties which most depend "on common sense, and an efficient use of the Police, and the simpler portions "of the Criminal Law, are, as heretofore combined with executive functions, "the more regular Civil business and other work for which exactness of procedure "in Courts, sitting in permanence is more required, is "entrusted to selected Officers set apart for the purpose."* It has, therefore, seemed fitting on this occasion to report on the administration of Civil Justice by itself, and to deal with the administration of Criminal Justice in a separate report.

Chief Commissioner's Review of the Judicial Report for 1867, Para 26.

3. The subject will be treated in the following order :—

A.—THE TRIBUNALS (*Statement* B 1,)

B—THE EXTENT AND CHARACTER OF LITIGATION (*Statements* B 6, B 7,)

C.—THE GENERAL DISTRIBUTION AND RESULTS OF THE TRIAL OF CIVIL SUITS IN THE COURTS OF ORIGINAL JURISDICTION (*Statements* B 8 and II.)

D.—THE APPELLATE BUSINESS (*Statements* B 9, III A, III B, and III C.)

E.—EXECUTION OF DECREES (*Statements* B 10 and IV.)

4. And the preliminary remark may be made here, that whatever inaccuracy may have heretofore existed in the statistics of Civil business will, it is hoped, be as far as possible avoided in future, under a system of current Statistical Registration in each Court, which was provided* for the first time during the course of the year.

By Book Circular IX of 1868.

A.—The Tribunals

5 *Statement* B 1.—The number of the Civil Courts in the whole of these Provinces has slightly diminished under the operation of the Chief Commissioner's Minute dated 20th February 1868, restricting the cognizance of suits triable by the ordinary Courts of grades below "the Court of the Deputy Commissioner" as far as possible to one such Court at each place, presided over by a selected Officer, instead of allowing the Civil business to be distributed generally between all the Assistant and Extra-Assistant Commissioners who might be serving in a district and at the same place. The diminution thus caused in the number of the Courts is however not a matter of concern, because it has been brought about with the express object of increasing the convenience of the public and the efficiency of the Courts.

6. At the close of the year the following Courts were exercising jurisdiction under Act XIV of 1865 :—

Court of the Judicial Commissioner...	1
Courts of the Commissioners	4
Courts of the Deputy Commissioners	19
Courts of the Assistant Commissioners	23
Courts of the Tehseeldars	36
Naib Tehseeldar's Courts	7

And there were 6 Small Cause Courts established under Act XI of 1865, *viz* :—

Principal Court of Small Causes, Nagpore City		...	1
Small Cause Court, Jubbulpore City...		... ...	1
Small Cause Court, Jubbulpore Cantonment		... ...	1
Do.	Saugor Cantonment	... ...	1
Do.	Kamptee Cantonment	... ...	1
Do.	Asseergurh Cantonment	... ...	1
	Total	...	6

7. Major Mackenzie became Officiating Judicial Commissioner on the departure of the late Judicial Commissioner, Mr. J. S. Campbell, on the 30th April 1868.

8. The remark which was made in the Criminal Report in respect of the defective state of the Court-rooms becomes appropriate here too. It is hoped that improvement may soon result from the instructions which have been issued on this subject.

9. It may be added in this place that heretofore the Courts have remained insufficiently furnished with copies of the Laws which govern their general proceedings, as well as Circular orders, rulings, and Law books. Orders* were issued during the year so framed as it is hoped, definitely to put an end to these important deficiencies in the Courts.

* Book Circular XIV of 1868.
Circular No. 1676, dated 14th December 1868.
Circulars Nos. 6 and 9 of 1869

B.—The extent and character of Litigation.

10. *Statement* B 6.—56,779 new Suits, value Rs. 36,71,164, were instituted during 1868, against 48,159, value Rs. 30,01,679, in 1867. The increase is large and remarkable, the more so from the circumstance that the extent of litigation has not increased now for the first time, but has been steadily increasing year by year since the Administration of the Central Provinces was formed in 1862. The increase within that period has been so remarkable, that I subjoin a table showing how it has occurred year by year in each district. A separate judiciary has (in the Saugor and Nerbudda districts) been replaced by a less exclusive system ; uncertificated Mookhtears have been excluded from the Courts; the limitation for institution has been restricted; Stamp duty has been enhanced; and yet, as will be seen, in seven years the number of suits litigated in the Civil Courts has doubled, every district alike sharing the general impetus.

STATEMENT showing number of Suits instituted (and re-instituted) in the Civil Courts of the Central Provinces from 1862 *to* 1868.

Year.	Nagpore.				Chanda.	Blundara.	Wurdah.	Balaghat.	Jubbulpore.				Saugor.			Seonee.	Dumoh.	Mundla.	Hoshungabad.	Baitool.	Nimar.			Nursingpore.	Chindwara.	Raepore.	Belaspore.	Sumbulpore.	Upper Godavery.	Grand total.
	District.	City Small Cause Court, Nagpore.	Cantonment Small Cause Court, Kamptee.	Total.					District.	City Small Cause Court, Jubbulpore.	Cantonment Small Cause Court, Jubbulpore.	Total.	District.	Cantonment Small Cause Court, Saugor.	Total.						District.	Cantonment Small Cause Court, Asseergurh.	Total.							
1862	3,349	1,622	1,612	6,583	637	1,750	638	..	1,619	315	504	2,438	2,313	601	2,914	806	760	269	2,016	1,058	..	..	..	2,121	705	1,326	163	345	7	24,666
1863	3,020	1,436	2,338	6,794	687	1,634	592	..	1,385	1,321	686	3,392	2,380	572	2,952	973	729	201	2,209	1,142	....	..	..	2,091	1,038	820	222	201	35	26,305
1864	2,647	1,692	1,706	6,045	716	1,692	490	..	1,230	1,683	612	3,525	2,109	1,161	3,270	1,280	859	254	3,183	1,228	4,398	..	4,398	2,542	870	1,221	707	275	42	32,697
1865	2,974	1,238	806	5,068	649	2,076	927	..	1,734	1,739	455	3,928	2,741	709	3,450	1,343	1,377	563	5,887	1,156	3,854	..	3,854	3,558	1,303	1,573	1,781	695	66	39,254
1866	3,280	2,320	1,017	6,623	1,021	2,420	1,216	..	1,405	1,636	481	3,522	2,988	720	3,708	1,185	1,289	421	5,279	1,194	7,561	..	7,561	3,416	1,345	1,379	2,896	594	163	45,250
1867	3,390	3,289	1,323	8,002	1,219	2,934	1,893	303	1,685	1,662	296	3,643	2,724	389	3,113	1,263	1,709	380	5,427	1,979	5,541	27	5,568	3,272	1,990	1,406	3,762	592	89	48,544
1868	4,506	4,060	2,083	10,709	1,636	2,798	3,057	819	1,699	2,052	541	4,292	3,612	559	4,171	1,394	1,631	401	5,491	2,732	6,508	244	6,752	4,125	2,770	1,659	3,466	539	125	58,558
Grades and number of Courts at the close of 1868.	Court of Deputy Commissioner ..			1	1	1	1	1				1			1	1	1	1	1	1			1	1	1	1	1	1	1	19
	Court of Assistant Commissioner ..			1	1	1	2	...				1			1	1	1	1	3	1			2	2	1	1	1	1	1	23
	Court of Tehseeldar ...			3	3	2	2	1				3			3	2	1	1	3	1			2	2	1	3	2	1	..	36
	Court of Naib Tehseeldar ..			3	..	...	1	1				1			1	..	....	..	..	..			..	..	...	..	..	..	..	7
	Small Cause Courts including Registrar's Court ..			3	..	..	..	..				2			1	..	—	..	..	..			1	..	..	..	..	..	..	7
	Total ..			11	5	4	6	3				8			7	4	3	3	7	3			6	5	3	5	4	3	2	92

Whether it be of increased national wealth, or of new habits of litigation, or of growing confidence in the Courts of Justice, or of the improved industry of the Courts not numerically greater now than in 1862, this table does seem to present a picture of undoubted import.

It will be noticed that the tendency of business still to increase is strongest in the contiguous districts of Nagpore, Wurdah, Chindwara, and Baitool, in the south west; and in the northern districts of Saugor and Jubbulpore.

11. Attempts have been made to assign reasons for the unusually large increase in the number of Suits which is shown by so many of the returns for 1868 over 1867; the hard times induced creditors to realize; the facility afforded by pleaders was taken further advantage of; and the popularity of the Courts continued to be augmented. These and like reasons are assigned, they are chiefly conjectural; but two remarks appear appropriate.

Firstly.—The steady growth of the Civil business deserves to be distinctly marked in view to the provision for its disposal being maintained in due shape and strength.

Secondly.—Assuming that the popularity of the Courts varies, in some degree, according to the way in which they are conducted, the necessity of constantly endeavouring to conduct them with the fullest possible regard to public convenience requires to be borne in mind by the presiding and supervising officers.

And on these two heads, I am to submit briefly the following observations, in order to show here that whether as regards due provision for the disposal of business, or as regards the adoption of measures calculated still further to popularize the Civil Courts, attention during the past year has not been wholly wanting.

12. Firstly, then, as regards the provision made for the disposal of the Civil business, this appears to be the proper place to record that a principle of importance has been introduced during the year by the Chief Commissioner's Minute of 20th February last, *viz:* the principle of appointing, as far as possible, *selected* officers as judges of the ordinary Courts of original jurisdiction. This has already been adverted to in para. 5 above. The principle has not been so fully acted upon in some districts as it might have been. Misconception of orders, objection to change, and dilatory action in cases requiring special treatment, combined to delay its full operation. Difficulty may occasionally occur in assigning the whole of the Civil business at one place to one judge selected for his efficiency. Important executive duties may call for the services of the officers so selected, in another way or in another place. Sometimes the business may be too heavy for a single judge. District officers feel that they would be weakened by the absorption of perhaps their best assistant's whole time in purely judicial duties. And it may seem a drawback that young officers should lack the experience which practice would give them. The Officiating Judicial Commissioner however feels sure that the system laid down in the Chief Commissioner's Minute is, so far as the Judicial Department is concerned, entirely *favourable to the public*, and if the judges can always be really selected officers, must work to public advantage. The consolidation of the system will therefore be carefully attended to.

13. Under the same head of the subject *viz*, making due provision for the disposal of business, the advisability of establishing additional Small Cause Courts was considered during the course of the year. Looking however, to the comparatively select constitution of the Courts as contemplated by the Chief Commissioner's Minute of 20th February last; to their cheapness; to the very general acceptance of their decrees as final; and to the fact that the constitution of Act XI of 1865 would not in itself necessarily add to their efficiency, or simplify

their procedure; looking to those facts, it seemed clear that most of the Courts already possess all the advantages of Courts established under the Small Cause Court Act, and are free from some of the disadvantages of those Courts, and that therefore in placing any of the existing Courts, or any new Courts, on the footing of Courts established under the Small Cause Court Act, there would be, at least for some time to come, and in these Provinces, no present gain to either the public or the Administration. Where the ordinary Courts are of a high and expensive order, it is of course desirable to economize their time by the use of cheaper Courts of Small Causes. But where the ordinary Courts are cheaper still, equally prompt, and sufficiently numerous, and where only two or three per hundred of their decisions in Small Causes are appealed, Courts of Small Causes with final but limited jurisdiction, seem for the most part uncalled for. The public might hardly see reason to prefer them, and the chief result of their establishment under such circumstances is that while the ordinary Courts remain charged with the disposal of the more difficult classes of cases, their best judges are taken to preside over the disposal in the Courts of Small Causes of the cases of simpler kinds.

14. But on this head of the subject further, it has to be remarked that some doubt is apparently beginning to be felt as to whether in the interior of districts and when Tehseeldars' executive duties are heavy, the Tehseeldars' Courts are in every case able sufficiently to meet the growing requirements of Civil Justice I quote the Commissioner of Nagpore on this head:—"The Chief "Commissioner remarked in last year's Review upon the large share of Civil "business which fell to Tehseeldars; and these officials have, during 1868, per- "formed a still larger* share of the work everywhere, except at District Head- "quarters and Hingunghat. Thus at the four heavier Tehseels of this Division "the suits instituted were :—

	Ramtek.	*Tirora.*	*Arvee.*	*Katole.*
Tehseeldars	1,126	1,206	812	664
Naib do.	126	„	242	369
Total...	1,252	1,206	1,054	1,033

"As the law and the circumstances now stand, it seems difficult to have these "cases heard any where else, than at the Tehseel, without risk of grave inconvenience "to the parties The Tirora Tehseeldar has probably ample time for the Civil "business, as he has no executive work in the Treasury department; but the other "Tehseeldars must often be hard pressed. I am not sure how a peripatetic Small "Cause Court Judge would answer for the towns of this Division; but I think "something of the kind must be tried if the Tehseel Revenue business is to be "well done." The Chief Commissioner will recollect that in August last the Officiating Judicial Commissioner presented a report bearing on the subject with a view to further use, where necessary, being made of Naib Tehseeldars in Judicial business. It seemed then, so far as a judgment could be formed in the Judicial department, that some Tehseeldars whose executive charges were heaviest, might properly be thus relieved to some extent of Judicial work; and it may be noted that at each of the Tehseels instanced by the Commissioner in his above quoted remarks (except Tirora), the Naib Tehseeldar does exercise Judicial powers. The Commissioner of Nagpore, however, has now been addressed and requested to make himself further acquainted with the extent of his Tehseeldars' combined duties, and to report definitely if he should be of opinion that by reason of their executive duties, the Tehseeldars, even when aided as fully as may be by Naib Tehseeldars, are unable to dispose in a proper manner of the

* The number was 6,932 in 1867, and is 5,994 for all sub-divisional tribunals in 1868; of these 646 belong to Mr. Extra-Assistant Commissioner Tulsingh's Court; and 979 to the Courts of four Naib Tehseeldars. The Puruswarra official, for the purposes of this Note, is reckoned as a Tehseeldar.

whole of the Judicial business which falls upon them. If the Commissioner should report in this sense, then the Officiating Judicial Commissioner will give the matter his best consideration, and report in due course the measures he would propose to the Chief Commissioner in order to meet the difficulty.

15. *Secondly*, in order further to popularize the Courts, much attention has been recently given to two things essential thereto, viz., (1) expediting the business, (2) cheapening it; enabling parties coming to Court to transact their business at once and go their way without being kept hanging about for hours or days in order to the transaction of business requiring only as many minutes, and conducting business so as to save parties from incurring avoidable expense. In respect of these matters there was considerable room for improvement. For want of sufficiently minute attention on the part of the presiding judges to points of detail in the working of the Court machinery, the public suffered much removable inconvenience and some needless expense. A series of Circulars, has accordingly issued on these points. By the improved practice enjoined in these Circulars business will be considerably expedited, and some costs will be saved to suitors. Plaintiffs will be able to institute a suit in half an hour, instead of in a period amounting sometimes to a couple of days. In cases disposed of by compromise under Section 98, Act VIII of 1859, Plaintiffs will be able to receive certificates for the refund of Stamp duty as soon as the order to grant it is passed, instead of sometimes days after; the refund will be receivable at the place where the Court sits, instead of the certificate holder having to travel long distances to the Deputy Commissioner in order to receive the money; and in no case will the certificate be refused on other than legal grounds. Useless preliminaries will not be allowed to obstruct the commencement of the Judge's judicial proceedings in the case. When an *ex parte* judgment is possible, the case will not be delayed, and the parties put to extra cost by proceedings to arrest the Defendant being taken without due consideration of their necessity. The expense of filing copies of decrees in execution cases will in most instances be saved to parties. Execution of many decrees will be expedited and cheapened by being made on verbal instead of written application.* Waste of judgment debtor's property attached in execution will be avoided under a regulated system of sale. The procedure in cases requiring report for sanction to the sale of land in execution of decree has been rendered precise and effectual. And the time of the Court has been made more at the service of the public, by the formal part of its proceedings being curtailed, and that of the Officers of the Court by the abolition of useless registers and papers. Further means to the same end have been provided by a revised scale of fees for the service of processes, by a proper and full supply to each Court of the laws and orders which regulate their ordinary proceedings, and by a compilation and issue from the Judicial Commissioner's Court of a set of 58 standard Forms of processes, which will enable the Courts and the Agents of the Courts to take proceedings at all conjunctures with greater precision, and therefore with greater promptitude.

A complete copy of the series* of Circulars here referred to is annexed to this Report. They come down to the close of the Officiating Judicial Commissioner's recent tour of inspection.

*A Book Circular VII, dated 31st Augt. 1868.
do. VIII, ,, ,, ,,
do. XII, ,, 11th Septr. ,,
do. XIV, ,, 1st Decr. ,,
Circular No. 1674, ,, 14th ,, ,,
do. ,, 1675, ,, ,, ,,
do. ,, 1676, ,, ,, ,,
Circular No. 1677, dated 14th Decr. 1868.
Book Circular XVI, ,, 15th ,, ,,
do. III, ,, 26th Jany. 1869.
Circular No. 1, ,, 15th ,, ,,
do. ,, 8, ,, 8th Feby. ,,
do. ,, 9, ,, 9th ,, ,,
do. ,, 12, ,, 1st March ,,

16. By thus maintaining attention to these two salient points (treated in the last 4 paras. above), it may be expected that however the business of the Civil Courts may increase, due provision in the best possible way will be made

* The Judge of course using his power *with due discretion* as provided by Section 13, Act XXIII of 1861.

for its disposal, and that expedition, economy, and general public convenience, will be carefully combined with judicial efficiency. How practically important these two points are in the administration of Civil Justice the reports testify. The Commissioner of the Nagpore Division quotes the Deputy Commissioner of Wurdah, to the effect that in one Court where the flow of litigation was steadily on the increase, it began to ebb as soon as suitors were delayed, and directly relief was afforded and more expedition was shown, the tide of litigation returned. The Commissioner expresses himself as quite in accord with the Deputy Commissioner in the view that "expedition in the disposal of business attracts suitors." The Deputy Commissioner, Nagpore district, instances the Court of the Tehseeldar at Ramtek, in which there were 1,303 suits against 465 in 1867; and attributes it to the removal of an inefficient Tehseeldar in the early part of the year. And the Deputy Commissioner of Jubbulpore assigns as causes of increased business, (1) the appreciation by the public of facility of access and rapidity of disposal, and (2) efficient judges. The Officiating Judicial Commissioner has reason to hope that the importance of these points is now impressed on the minds of presiding judges and supervising officers; and that so far as in them lies, improvement in the general efficiency of the Courts will at least keep pace with the increased desire for Civil Justice.

17. But although the number of the suits brought for settlement have largely increased, still their value remains very low, and for the most part, the descriptions of the claims continue to be simple and comparatively unimportant.

18. The following table shows the proportions and average value of suits according to the prescribed classification of Statement B 7:—

	Percentage of suits.	*Average value.*
Suits not exceeding Rs 5 in value	8·5	Rs. 4·3
Do. „ 50 do.	68·7	„ 24·2
Do. „ 100 do.	12·8	„ 77·10
Do. „ 500 do.	8·8	„ 210·
Do. „ 1,000 do.)		„ 634·
Do. „ 5,000 do.)	1·2	„ 1,271·
Do. „ 10,000 do.)		„ 8,600·
Exceeding Rs. 10,000 do.)		15,634·
Total Rs.	100	Rs. 64·

The difference in average value in the several districts is not so material as to call for special remark.

19. In regard to the descriptions of claims, it will be seen (Statement B 6) that 54 out of every hundred claims are for bond debt, 13 more are for simple debt on unwritten obligation, and 22 more for other claims for money similarly due on contract, making in all 89 for claims of that general nature, and leaving only 11 for all other descriptions of claims. The Commissioner of Nagpore remarks that he "cannot help thinking that some, perhaps many suits, relating to landed property "are kept out of Court by the high Stamp fees which the present mode of estimat-"ing the value of landed property imposes on plaints of this kind." If a tenant cultivator with the right of occupancy of a field paying Rs. 100 rent wished to sue his partner in the same, in respect of possession of half the holding, then "unless and until the contrary be proved," the value of the property in dispute would be held to be twenty times the annual profits, say Rs. 1,000, and the

plaint would have to be brought on a 100 rupee stamp, and if the suit was appealed another stamp of the same value would have to be filed before the dispute could be finally adjudicated. No doubt the plaint stamp in such cases must seem excessive, and be sometimes prohibitive; and suits between landholders and tenants in the Revenue Courts are equally expensive. In a report dated 4th June last, the weight of Stamp Schedule B in these classes of cases was fully noticed, and it is probably to cases like these that Mr. Bernard's above quoted remarks chiefly refer. In suits for superior property rights in land, probably the Stamp duty is not felt to be heavier than in many other ordinary classes of suits; and, as might have been expected in the face of a steady and large increase in the number of suits instituted in the Courts, the general opinion of the judges in these Provinces could only be, that as regards ordinary classes of disputes, the existing scale of Stamp duty has not in these Provinces been felt to be prohibitive of justice; still it may be a question whether the cost of justice to the losing party should be made so heavy; but on this and kindred points connected with the Stamp Law separate report has been already made.

20. And this brings us appropriately to the general subject of costs. It is not quite certain that the returns of costs are made up on an uniform system. Costs decreed to a winning plaintiff are obviously not always the whole cost of the litigation; nor do costs decreed against a losing plaintiff always include the whole of the Defendant's expenses. These costs however, would alone be entered in the decree, and these *decreed* costs obviously would not represent the total expense of civil justice. Again, the costs of suits decreed in one year, but executed in a subsequent year, cannot be entered on the returns of the year of their disposal, so as to include all expenses pertaining to the suits, of which the expenses in execution of decree form an essential part. The principle observed in calculating costs for entry in the returns is not stated in the reports, and no general instructions have ever issued on the point. The absolute correctness of the returns, however, does not seem of importance; the imperial statistical forms do not require costs to be shown at all, and indeed the use of compiling them for the whole business of the Courts seems doubtful; for in point of fact, costs are fixed in detail for almost every proceeding, and therefore their aggregate amount is for the most part, greater or less according to the nature of the suit, and the pleasure of parties. There is the plaint stamp and the fee for service of process on defendant; these are fixed and certain in every case; then there may be the cost of miscellaneous applications, copies, and the like, and other process fees; these are also fixed, but their incidence depends chiefly on the parties themselves. There is also diet money and travelling expenses to witnesses pleader's fees, &c., these too are fixed and depend on circumstances, over which the Court has little control; so that whether costs come to a greater or less percentage, it is chiefly owing to charges fixed by law and prescribed rule; and it follows that general statistics on the subject teach nothing more than what could be gathered (perhaps more accurately) from the statistics of a few suits; and after all, the information gained has, for the most part, regard only to that which is inevitable. It has therefore not seemed to the Officiating Judicial Commissioner important further to elaborate the returns of costs. At the same time, while the percentage which costs bear to the value of suits will represent, for the most part, fixed and uncontrollable expenses, yet it will always comprise a margin, which although comparatively small, can be yet influenced in a degree which is material, by the practice of the Court. Accordingly in regard to such of the costs included in this margin, as seemed capable of reduction by improved Court practice, special instructions have been issued during the year. It is believed that these instructions will have the effect of reducing these reduceable costs as far as it is possible to do so These instructions having been already alluded to in sufficient detail in para 15 above, as being calculated to cheapen justice, and therefore further to popularize the Courts, further mention of them here seems superfluous.

C.—The general distribution and results of the trial of Civil Suits in the Courts of Original Jurisdiction.

21. *Imperial Statement* 8, *Local Statement* II.—Out of the whole number of suits, 58,558, instituted and re-instituted in the Courts, 16· per cent. were brought on the files of the Small Cause Courts; 46·5 per cent on the files of the Tehseeldars' and Naib-Tehseeldars' Courts, and 37·6 per cent. on the Station Courts of higher grades. And 57,580 cases were disposed of in the following proportions :—

Pending for 1867..... 960
Instituted in 1868..... 58,558
Pending at close of 1868. 1,938

	Per cent.
I.—(*a*) Withdrawn, transferred, or struck off without trial or decree	22·
II.—Uncontested (but decreed)—	
Decreed (*b*) ex parte	11·6
„ (*c*) by confession	36·
„ (*d*) by compromise or consent	9·
„ (*e*) by arbitration...	0·6
Total Uncontested..	79·2
III.—Contested—	
Decreed (*f*) for plaintiff in whole	9·7
„ (*f*) in whole or in part	5·9
„ (*f*) for defendant	5·2
Total Contested...	20·8

22. (*a*) The disposals without decree are shown as increased this year, but this is chiefly because formerly compromises without decree were sometimes entered as decreed without contest by compromise or consent.

In the Station Court at Raepore, the cases struck off in default increased by reason of a practice which, as remarked by the Commissioner of the Chuttoesgurh Division, was rather stringent though strictly legal; according to which, while the parties were in the habit apparently of appearing at 12 or 1 o'clock, the presiding officer took his seat an hour or two earlier, called the cases and struck them off without delay. No precise rule on this head can be laid down, but it is generally quite possible for the practice of the Courts to coincide with ordinary public convenience, so far as to avoid the occurrence of difficulty on either side.

Another reason for cases being struck off in default is mentioned by the Deputy Commissioner, Wurdah, viz., frequent transfer of work from one Court to another. It is to be hoped that these transfers were, so far as the District Officer was concerned, for the most part unavoidable.

The disposals without decree under Section 98, Act VIII of 1859, may be expected to increase now that due facilities are to be afforded for the refund of Stamp duty in such cases, (vide para. 15 above).

23. (*b*) (c) Ex parte cases may be taken with confessions; for few applications are made to set aside ex parte decrees; they are virtually decrees on confession.

In some districts inconsiderate use was made of the power under the 3rd of the exceptions and provisoes subject to which Act VIII of 1859 was extended to these Provinces, of enforcing a defendant's appearance by arrest under a warrant. Defendants thus often appeared only to confess judgment in cases

which were susceptible of ex parte decrees. More discreet use in future of this power was enjoined by Circular instructions as already mentioned (para. 15 above).

24. Cases struck off without decree, or decreed ex parte and by confession, include nearly 70 out of every 100 disposed of.

25. (*d*) Compromises and consents are classed as uncontested, but they sometimes follow a good deal of contest; and there is reason to believe that in some Tehseeldars' Courts suits are not seldom entered as decreed on compromise or consent and by confession, which would have been entered as fully contested in other Courts. As remarked by the Commissioner of Nagpore, "it "is possible that some of these Tehseelee compromises are due to the circum- "stance that the Tehseeldars are burdened with other duties, and so cannot give "sufficient attention to Civil Court business." In two or three instances special report was called for in regard to the almost entire absence of decrees on full contest in Tehseeldars' Courts; but no very satisfactory explanation has been afforded. In regard to the general question as to whether Tehseeldars are, or are not, with reference to their executive duties and to the increasing business, able to give sufficient attention to the latter, remark showing the action taken in the matter has been already made in para. 14 above.

26. (*e*) Decrees by arbitration continue to be represented by a very low figure. They amount to about one in every forty of suits contested fully or in part. On previous occasions some stress has been laid on the desirability of encouraging the settlement of disputed claims by arbitration. And recently, when noticing the Judicial Report for 1867, the Government of India referred to the subject in the same strain. The number of suits in which recourse to arbitration may be expected, must always be comparatively small. Both parties must be brought to think that a settlement by arbitration will be better, and on all grounds more advantageous than a settlement by the presiding Judges of the Courts Comparatively few suits are instituted in which such a view could be expected. Only from 20 to 25 suits in every hundred are contested at all; and, looking to the generally simple character of the litigation only in a limited proportion of these contested suits would arbitration be advantageous. In suits with simple issues, reference to arbitration would be only waste of time, trouble, and the right of appeal. There remain but few, comparatively speaking, in respect of which a reference to arbitration could have any propriety, and the number in which both parties will agree to apply for a reference to arbitration is, of course, fewer still. Although, therefore, the number of such references may increase, they cannot, constituted as our Courts are now, be expected to form one of the prominent features of the administration of Civil Justice. The Officiating Judicial Commissioner, however, when communicating in a Circular issued during the year, the latest expression of the views of the Chief Commissioner and the Government, instructed the Courts to the effect that "much may "depend on the degree of interest taken by the Courts in the nomination of "arbitrators or umpire When once a suit is filed, it will often require some "inducement for parties to agree to transfer its determination from the Court "to arbitrators; and, unless some such inducement can be made apparent, the "Court's advice to the parties to agree to a reference to arbitration will often be "declined. But, apart from a dry technical treatment of the cases before them, "the Courts of these Provinces can sometimes exercise considerable influence "in the nomination of arbitrators or umpire, and a judicious exercise of that "influence, tending to show an interest in the general convenience of the parties "and a desire that their dispute should be settled in the best possible way, "would, doubtless, often create the desired inducement." And, judging by the way in which these instructions have been noticed in the Reports for the year, they may be expected to have some effect in slightly increasing the number of suits disposed of by arbitration in future.

27. (*f*) Suits fully contested numbered only 20·8 out of every hundred disposed of. It has been already indicated that this figure does not represent all the suits in which there has been contest of any kind or extent. It only represents the suits which were contested up to the last proceeding in the case. In regard to the fortunes of either party in these suits, and as bearing on the doubt sometimes expressed in reference to an increase of Civil business being from a defendant's view of the matter, altogether satisfactory, it seems sufficient to quote the Commissioner of Nagpore, who, in his report, remarks that "it is "worthy of note that the proportion of suits in favour of defendant is largest in "Wurdah, where the increase of Civil litigation has been greatest during the "year; it is next largest in Balaghat, where the increase of litigation is also "considerable; and it is large also in Bhundara, where there has been a decrease "of litigation. It is clear, therefore, that the success or otherwise of plaintiffs "in any one year does not affect with any certainty the number of cases brought "to the Courts."

28. On the whole, the general results of trials are, considering the trifling value and the simple character of the majority of the claims, perhaps not very different from the results which might be expected.

29. The number of cases pending at the close of the year is larger than usual, viz. 1,938. The Officiating Judicial Commissioner regards this without dissatisfaction. The Small Cause Court at Kamptee shows 120 cases pending, and ordinarily the number would be deemed too large. But it is fully explained. Regiments got their route at the close of the year, and there was a rush of institutions. Nimar also shows abnormal arrears; but circumstances combined to leave the district short-handed during a portion of the year. The matter was duly represented to the Chief Commissioner For the rest, the increase in the number of pending cases only indicates that a practice of refusing to institute, and of prematurely terminating suits in the end of December, which was to some extent resorted to in former years with a view of showing a clearer file at the end of the year than could be shown for any of the first eleven months of the year, has probably ceased (except apparently in Mundla). A Circular which was issued on the point seem to have had due effect. At the end of December 1867, only 748 suits instituted in that month were pending; whereas, at the close of 1868, 1,738 suits instituted in December are shown as pending. 51 cases had been pending more than two months. Of these, 3 had been pending since May, 1 in Raepore, 1 in Chanda, and 1 in the Saugor district. The Raepore case alone is explained in the Deputy Commissioner's report. In Chanda 1 case had also been pending since August; but the subject is intimately connected with—

Duration of Suits.

30. The duration of Suits. This has increased from 14·2 and 12.3 days in contested and uncontested cases in 1867, to 18·8 and 13·6 days in 1868. After perusing the reports, and weighing the explanations offered both in those reports and at different times during the course of the year, the Officiating Judicial Commissioner is not disposed to accept the explanations in respect of prolonged durations without reserve. It may at once be conceded that, except in Nimar, and perhaps in Chanda, where during a portion of the year the District Staff was short-handed, the mass of the suits instituted were disposed of with due promptitude. The mass of the suits are so easily disposed of, that undue delay would, of course, not occur in their disposal. But there is a residue composed of cases of more difficult kinds, and in conducting these from stage to stage, some special, though not very extraordinary intelligence, is required. Sometimes no amount of care will prevent a case from hanging on a Court's file without making definite progress. But at other times the duration of a case is prolonged for want of due care when issuing orders in view of the hearing of the case, so to frame those orders as that, when the day of hearing comes on, the hearing shall have

its contemplated results. When a case requires proceedings in any degree unusual, the need of extra pains in arranging the proceedings so as to foresee and prevent the possibility of their falling short of their required purpose, is not always apprehended ; the day of hearing comes on, and only then it is discovered that the proceedings taken in view of the hearing were defective, and that some proceeding has still to be taken which might have been taken before, had its necessity been timely considered. The Officiating Judicial Commissioner feels assured that if in these more difficult cases, whose number is comparatively small, the Courts would in this way exercise a little more vigilence and care, durations would be materially shorter. A Circular has recently been addressed to the Courts in this sense, which, it is hoped, may have due effect.

31. Some part of the longer durations, however, has arisen out of the operation of the rule* which obliged Courts issuing a process for service by a Court in another district, to forward it to such Court through the Deputy Commissioner of that district. Sometimes this was a circuitous route, and in all cases some delay resulted. Judging, however, that the intervention of the Deputy Commissioner, as a channel of communication, was purely formal and served no useful purpose, the Officiating Judicial Commissioner has now withdrawn that rule, and left the Courts at liberty, when the intervention of the Deputy Commissioner may appear superfluous to act according to the free provisions of Sections 59 and 158, Act VIII of 1859, that is to say, to transmit the process either by an Officer of the Court or by post to any Court having jurisdiction at the place where the party on whom it is to be served resides, by which it can be most conveniently served without intervention of the Deputy Commissioner of the district comprising such jurisdiction. This will help to expedite the service of process and shorten the duration of suits.

* Book Circular VIII of 1868.

But in cases like those instanced by the Deputy Commissioner of Balaghat, where, owing to the absence of direct post, the line of communication between Court and Court is long and circuitous, delay can only be avoided by the establishment of a direct postal line, or partially by a territorial re-arrangement of districts.

32. The average number of hearings in suits is shown to have varied from 2 to 3·8. For the higher averages there appears to have been some special cause. The average in all districts was 2·3 ; in some districts the Officiating Judicial Commissioner found the number sometimes unnecessarily high; the defect was the corollary of the somewhat inconsiderate issue of warrants for the appearance of defendants, which has already been alluded to, and to correct which instructions were duly issued. But in most places the number of hearings does not appear to have been excessive. The Government of India on the Report for 1867, took notice of the apparently high average, and inferred the existence of a system of deferred judgments. This, however, was not the cause. It was only that, according to the rule formerly prescribed in these Provinces, the institution of a suit has been reckoned as a hearing. This has now been altered.* From the commencement of 1869 the rule has been brought more into conformity with the tenor of the Procedure Code, according to which the proceedings at the institution of a suit are not regarded as a hearing.

* Book Circular XIII of 1868.

D.—The Appellate Business.

33. *Statements* B 9, and III A, III B.—1,260 regular appeals were on the files of the Appellate Courts,* being about one to every eight of the cases disposed of after continued contest in other than Small Cause Courts; and one appeal in every four was either partly or wholly successful. In Commissioners' Courts, appellants were most fortunate in the Nerbudda Division, and

* Commissioners' Courts 801; Deputy Commissioners' Courts 459.

least so in the Jubbulpore Division. The appellate work is heaviest in the Nerbudda Division. The duration of appeals was longest (too long), in the Deputy Commissioner's, Courts at Chanda (61 days), Saugor (71 days). Among the Commissioner's Courts that of the Nerbudda Division was least expeditious. In reference to the long duration in Chanda, the Commissioner of Nagpore writes thus :—"The average duration of appeals was very great "in Chanda, namely, 61 days, and this difficulty in getting "their cases heard, has apparently deterred parties from "appealing, for only 9 appeals were preferred to the "Deputy Commissioner's Court during the year. The "Deputy Commissioner's explanation for this duration, is "copied in the margin.* I do not think that the explana- "tion is quite satisfactory."

*"This duration has been "very unfavourably affected "by the rule prescribed in "Judicial Book Circular "XXIV of 1867, as during "the year under review "the Deputy Commissioner "was generally employed at "long distances from the "Sudder Station."

34. *Statement* III C.—The number of appeals instituted in Commissioners' Courts from decrees in suits under the Rent law, was only 82. Here, as already remarked, it is feared that Schedule B, Act XXVI of 1867, may be somewhat prohibitory.

35. In the Judicial Commissioner's Court, 77 Special and 42 Miscellaneous appeals were admitted; all except 9 were disposed of.

E—Execution of Decrees.

36. *Statement* B 10.—The work under this head shows a tendency to increase. 31,827 applications for execution were filed, and execution took place in 19,705 cases. This is an important item in the labour of the Judiciary. Last year it was stated that pains had been taken to impress upon the Courts the necessity for a regular and rapid procedure in cases of applications for execution The procedure in these cases had been somewhat neglected and had for the first time been placed, as it were, on the proper groove. During his inspections the Officiating Judicial Commissioner found that the previous instructions had been fairly attended to. Some improvement however is still called for, until proceedings in execution become as regular, and receive as much attention as proceedings on trial. Precision in these proceedings has been further facilitated during the year by the newly prescribed series of forms of process already referred to, and which afford a ready guide to the proper method of giving effect to applications for execution of every legal kind.

37. 997 imprisonments took place in execution, rather a large number. But with the consent of the Jail authorities, a copy of Sections 280 and 281 of the Civil Procedure Code, which indicate the course an imprisoned debtor should take in order to effect his release, is now hung up in every debtor's ward in the jails.

38. The Officiating Judicial Commissioner's sanction to sale of land, in execution of decree, has been accorded in several instances. But it is believed that generally means have been found to avert actual sale.

Conclusion.

39. This completes the report on the main branches of the subject which are illustrated by the figured statements. The following points may be summarised. The tribunals have somewhat diminished in number, though not in effective force. Business has increased largely, the tendency to increase is still constant and growing. Attention has been, and is still being given towards making due provision for the proper disposal of this increasing business. A number of effective measures

have been taken in view of expediting and cheapening the proceedings of the Courts, and so making them in a further degree popular. The value of claims in suits remains comparatively small, and their descriptions generally simple. Only one suit in five is fully contested; only one in every forty suits contested fully or in part is settled by arbitration. The duration of the mass of simple suits remains as short as can be desired; but as regards cases of difficulty, an improved duration is called for; such means as are possible have been taken in order to shorten communications between Court and Court, in order to the service of processes. Appeals are not proportionately numerous; in some Courts their duration may be shortened. The proceedings in execution of decree are of an improved character, but there is some room for further improvement. Pleaders hardly increased in number, only seven candidates passed in 1868; they do not yet, however, all show a full appreciation of what it is their duty to do, and not to do, as members of an intelligent bar. At the periodical examinations therefore, strict tests, and the maintenance of a high standard, are very necessary.

40. Unless the Court practice were generally good, the business would not have doubled in seven years, and be done as it is by even a smaller number of Courts. It is submitted that the practice of the Courts is in the main of a very good kind: it is chiefly in small points of finish, and especially in such of those points wherein the thing to be looked to is public convenience, that improvement may yet be made. The Officiating Judicial Commissioner has confidence that, with selected Judges, this improvement will be attained, and he would close this report by commending the services of the Officers presiding in the Civil Courts to the Chief Commissioner as deserving of his good opinion and acknowledgment.

I have the honor to be,

Sir,

Your most obedient Servant,

G. J. NICHOLLS,

Officiating Registrar,

Judicial Commr's. Court,

Central Provinces.

JUDICIAL COMMR'S. COURT, C.P.,
NAGPORE,
The 22nd March 1869.

Statistical Statement B 6.

Statement showing the number and description of Civil Suits instituted in the Civil Courts of the Districts of the Central Provinces, during the year 1868.

	DESCRIPTION OF CLAIM			NUMBER OF CASES IN DIFFERENT COURTS.				
				Small Cause Courts.	Tehseeldars' and Naib-Tehseeldars'.	Assistant and Extra-Assistant Commissioners'.	Deputy Commissioners'.	TOTAL.
1	Suits for money due on contract.	On written obligation for sum certain (bond debt) ..		4,089	15,036	11,797	60	30,982
2		On unwritten ditto. (simple debt) ..		790	4,130	2,740	27	7,687
3		On account stated		2,116	2,145	2,355	24	6,640
4		Money paid or received		99	315	137	3	554
5		Goods sold		1,106	1,549	1,238	19	3,912
6		For breaches of contract not included in above ..		558	434	377	7	1,376
7	Suits for rent			200	157	205	..	562
8	Suits for personal property or value thereof			296	1,294	820	4	2,414
9	Suits for damages	For injuries to the person attended with direct or actual pecuniary damage		..	60	43	..	103
10		For injuries to property		67	287	140	8	502
11		For defamation		9	14	11	..	34
12		For other injuries not included in above		12	117	86	..	215
13	Suits to compel specific performance of contracts			2	25	28	2	57
14	Suits to set aside contracts and obligations on account of fraud, mistake, or accident			11	10	6	..	27
15	Suits to compel or prevent particular acts by way of mandamus or injunction			..	3	1	..	4
16	Suits to settle partnership and other accounts			..	100	56	3	159
17	Admiralty and other suits relating to shipping			..	..	..	..	..
18	Suits connected with religion or caste			3	6	1	..	10
19	Suits relating to administration of trusts and religious endowments ..			..	4	5	..	9
20	Suits relating to marriage-dower and divorce			10	156	128	4	298
21	Suits to establish or dispute adoption			..	2	2	..	4
22	Suits regarding custody and guardianship of infants and lunatics			..	4	..	..	4
23	Other suits to declare or establish personal rights			..	126	61	1	188
24	Suits to establish or contest wills			..	13	2	..	15
25	Claims to inheritance.	Under Hindoo Law		..	12	15	3	30
26		Under Mahomedan Law		..	4	5	..	9
27		Under any other Law		..	..	3	..	3
28	Suits to establish or contest the acts of Hindoo widows			..	..	...	..	..
29	Suits relating to the revenue			..	35	76	1	112
30	Suits relating to mortgage of immoveable property			..	51	54	1	106
31	Claims right of pre-emption			..	2	10	..	12
32	Suits to resume or assess rent-free lands			..	..	..	..	..
33	Suits regarding the relative rights of superior and inferior holders of land other than rent suits			..	49	13	..	62
34	Suits for partition of immoveable property			..	31	62	..	93
35	Suits regarding boundaries			..	6	38	..	44
36	Suits for or relating to real property not included in the above			..	201	344	7	552
			TOTAL ..	9,368	25,378	20,859	174	56,779

Statistical Statement B 7.

Statement showing value of Suits disposed of in the Civil Courts of the Districts in the Central Provinces, during the year 1868.

VALUE OF SUITS.	Number of Suits disposed of in different Courts.				Total value of suits.			Total cost of suits.			Proportion of costs to value.	REMARKS.
	Small Cause Courts.	Tehseeldars and Naib Tehseeldars'.	District Courts. Assistant and Extra-Assistant Commissioners'.	District Courts. Deputy Commissioners'.								
					Rs.	A.	P.	Rs.	A.	P.		
In Civil Courts.												
Not exceeding Rupees .. 5	1,357	2,016	1,473	7	20,288	7	10	11,205	14	3	55·2	
Ditto „ .. 50	6,449	19,349	13,134	43	9,40,512	8	10	1,77,301	4	8	18·8	
Ditto „ .. 100	894	3,550	2,784	10	5,63,811	5	2	82,606	6	2	14·4	
Ditto „ .. 500	630	1,463	2,862	53	10,56,220	12	1	1,40,965	5	6	13·3	
Ditto „ .. 1,000	38	..	..	..	24,115	7	3	3,306	5	1	13·7	
Ditto „ .. 5,000	..	..	606	34	8,13,593	9	10	89,891	14	7	11·0	
Ditto „ .. 10,000	..	..	.	22	1,74,451	1	3	13,675	5	0	7·8	
Exceeding „ .. 100,000	..	..		5	78,171	4	0	4,006	14	0	5·0	
Total .. 1868 ..	9,368	26,378	20,859	174	36,71,164	8	3	5,22,960	5	3	14·2	
Total .. 1867 ..	6,941	27,221	13,775	224	30,01,679	0	6	3,68,307	10	10	12·3	
Difference ..	+2,427	−843	+7,084	−50	+6,69,485	7	9	+1,54,652	10	5	1·9	

Statistical Statement B 8.

Statement showing the general result of the trial of Civil Suits in the Courts of Original Jurisdiction in the Central Provinces, in the year 1868.

CLASS OF COURTS.	Number of Cases on the file.			Cases withdrawn, transferred, or struck off without trial or decree.	Cases in which Decree passed									Cases pending at close of the year.	Average number of days during which each case lasted.		Number of summonses to parties to appear in person.	Number of parties who appeared.	Number of summonses to witnesses other than parties.	Number of witnesses who appeared.	REMARKS.
					Without contest in Court.					Contested cases tried and decided in Court.											
										In favour of Plaintiff.											
	Remaining from last year.	Instituted.	Total.		Ex parte.	By confession.	By compromise & consent.	By arbitration	Total	In whole	In part.	In favour of Defendants, objectors, or insolvents.	Total.		Contested.	Uncontested.					
1	2	3	4	5	6	7.	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Small Cause Court	123	9,539	9,667	2,268	1,065	2,849	1,028	39	4,981	1,047	592	524	2,163	235	10·5	9·0	42	32	14,814	10,961	
Paid Sub-Divisional Tribunals	461	27,314	27,775	5,806	2,380	10,899	2,517	129	15,925	2,377	1,666	1,264	5,307	737	27·0	17·0	23	18	27,352	18,772	
District Courts, other than Chief Courts of Districts	369	21,524	21,893	4,716	2,881	7,042	1,661	171	11,755	2,167	1,108	1,212	4,487	935	25·5	17·6	19	18	25,561	19,385	
Chief Courts of Districts	2	181	183	38	21	27	16	2	66	19	22	27	68	11	30·3	21·3	..	..	345	325	
Total ..	960	58,558	59,518	12,828	6,347	20,817	5,222	341	32,727	5,610	3,388	3,027	12,025	1,938	18·8	13·6	84	68	68,072	49,443	

Statistical Statement B 9.

Statement showing the business of the Civil Appellate Courts of the Central Provinces, in the year 1868

CLASS OF COURTS	Cases on the file			Appeals withdrawn transferred, or struck off on trial.	Decided on trial			Remanded for further investigation.	Remanded for new trial	Total	Cases pending at end of the year.	Average duration of each appeal tried.	REMARKS.
	Remaining from last year.	Instituted	Total		In favour of Appellant		In favour of Respondent.						
					In whole	In part.							
Civil Appellate Court other than Chief Court of District	28	773	801	48	171	59	409	*29	46	755	48	29	
Superior Appellate Court other than Chief Court of Province ..	48	411	459	23	60	59	213	30	..	365	94	36	
Chief Court of Province, Special Appeal..	7	70	77	..	6	1	55	..	8	70	7	47	
Total ..	83	1,254	1,337	71	237	99	677	*59	54	1,190	143	37	

* 7 of these excluded from the total column 11, and 2 are entered as pending in column 12.

Judicial Statement B 10.

Statement showing the execution of Decrees of the Civil Courts of the Central Provinces, in the year 1868.

CLASS OF COURTS.	Number of decrees passed during the year.	Number of applications for execution.			Number of decrees completely executed.	Number of decrees partially executed.	Number of cases in which there was no execution.	Pending at end of the year.	Number of cases in which specific performance was enforced.	Number of coercive processes in execution.				REMARKS.
		Pending from last year.	Filed.	Total.						Sales of real property.	Sequestration of property.	Sales of personal property.	Imprisonment.	
Small Cause Courts	6,543	97	3,480	3,577	1,169	784	672	217	1	...	...	383	250	
Local and Sub-Divisional Civil Courts ...	19,290	875	13,661	14,536	4,986	3,687	2,473	899	139	1,110	1,061	1,394	325	
District Courts...	15,112	682	14,571	15,253	5,215	3,767	2,688	1,291	37	922	470	1,337	415	
Superior Courts	112	31	115	146	64	33	24	18	10	13	8	22	7	
TOTAL ...	41,057	1,685	31,827	33,512	11,434	8,271	5,857	2,425	187	2,051	1,539	3,106	997	

Judicial Statement No. XI.

Statement showing use of Juries and Assessors in the Civil and Criminal Courts of the Central Provinces, in the year 1868.

Classes of Courts in which Juries or Assessors are employed, distinguishing Criminal from Civil suits.	Established or average number of jury or assessors in each case and prescribed qualifications.	Number of cases tried by Jury.	Number of cases with Assessors.	Jury trial.			Assessors' trials.		Note showing in what class of cases Juries and Assessors have been principally employed.	Remarks.
				Verdict in favour of the prosecutor or plaintiff.	Verdict in favour of the accused or defendant.	Jury discharged without verdict.	Number of cases in which Judges agreed with Assessors.	Number of cases in which Judges differed from Assessors.		
CRIMINAL										
Court of Deputy Commissioner under Section I, Act XV of 1862 ...	2 Assessors in each case. The prescribed legal qualifications are education, character, and age.	..	79	..	..	..	76	3	In all cases tried under Act XV of 1862.	
Court of Sessions		..	115	..	..	..	101.	14	In all the Criminal trials that take place in the Sessions Courts.	
TOTAL ..	..	..	194	..	..	..	177	17	[illegible]	
Civil	4 ditto.	..	39	..	..	..	30	..	In cases of immoveable property and inheritance.	
TOTAL ..	..	..	30	..	..	..	30	..	..	

N°. III.

Statement showing the business of the Civil Appellate Courts of the districts of the Central Provinces, during the year 1868.

Division.	District.	Cases on the File.			Appeals withdrawn, transferred, or struck off without trial.	Decided on trial.			Remanded for further investigation.	Remanded for new trial.	Total.	Cases pending at the close of the year.	Average duration of each Appeal tried.
		Remaining from last year.	Instituted during the year.	Total.		In favour of Appellant. In whole.	In favour of Appellant. In part.	In favour of Respondent.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14
								Regular.					
Nagpore	Nagpore	7	54	61	6	18	4	24	..	5	57	4	19·5
	Chauda	..	9	9	..	2	1	..	...	6	9	..	61·4
	Bhundara	3	55	58	1	10	2	38	...	4	55	3	14·
	Wurdah	1	66	67	6	8	9	29	..	12	64	3	13·
	Balaghat	..	10	10	..	3	2	5	...	..	10	...	13·5
Jubbulpore	Jubbulpore.. ..	2	24	26	1	12	1	9	..	2	25	1	35·3
	Saugor	..	93	93	4	22	6	41	...	..	73	20	71·3
	Dumoh	..	17	17	1	3	...	12	...	1	17	..	10·
	Seonee	2	22	24	1	6	..	14	...	1	22	2	20·
	Mundla	..	2	2	..	1	..	1	..	...	2	..	13·
Nerbudda	Hoshungabad ..	5	63	68	13	15	6	29	5	...	68	...	20·5
	Baitool	2	122	124	2	25	10	65	*15	7	124	2	14·8
	Nursingpore ..	..	67	67	5	14	6	34	1	4	64	3	19·4
	Nimar	2	23	25	4	5	3	12	1	..	25	..	22·9
	Chindwara	..	86	86	..	15	6	61	..	1	83	3	...
Chuttees-gurh.	Raepore	3	33	36	1	11	2	14	†7	2	30	6	28·
	Sumbulpore ...	..	10	10	..	1	..	8	..	1	10	..	10·
	Belaspore	1	16	17	3	..	..	13	...	..	16	1	14·
	Upper Gody. District...	..	1	1	..	..	1	..	..	..	1	..	127·
	TOTAL... 1868	28	773	801	48	171	59	409	29	46	755	48	29·
	TOTAL... 1867 ...	19	772	791	44	187	54	403	37	40	765	26	16·5
	DIFFERENCE ..	+9	+1	+10	+4	—16	+5	+6	—8	+6	—10	+22	+12·5
								Miscellaneous.					
Nagpore	Nagpore ..	1	5	6	3	1	..	2	...	...	6	..	28·3
	Chanda	..	..	..	..	..	..	...	..	..	...	..	..
	Bhundara	..	..	..	..	...	..	..	...	..	..	...	..
	Wurdah	..	12	12	3	9	..	..	..	...	12	..	9·
	Balaghat	...	..	...	..	...	..	..	...	...	..	..	..
Jubbulpore	Jubbulpore... ..	..	8	8	1	1	..	3	..	3	8	..	15·7
	Saugor	...	..	..	...	..	...	..	..	..	...	..	..
	Dumoh . ..	.	..	..	...	..	..	..	...	..	..	..	..
	Seonee	...	..	...	...	..	...	...	..	..	..	..	..
	Mundla	..	..	..	..	..	..	..	..	..	..	..	..
Nerbudda	Hoshungabad ...	...	...	..	..	..	..	...	...	..	..	...	...
	Baitool	..	..	..	...	..	..	..	..	...	..	...	..
	Nursingpore ..	..	...	..	...	..	..	..	..	..	...	..	..
	Nimar	..	..	..	..	..	..	..	..	..	..	..	..
	Chindwara	..	...	..	..	..	..	..	..	..	..	..	..
Chuttees-gurh.	Raepore	..	..	..	..	...	..	..	...	...	..	..	..
	Sumbulpore ...	..	...	..	..	...	..	...	..	..	..	..	..
	Belaspore	..	..	...	..	...	..	..	..	...	..	..	..
	Upper Gody. District...	..	..	...	...	...	..	..	...	..	..	..	..
	TOTAL ... 1868 ...	1	25	26	7	11	..	5	..	3	26	..	15·5
	TOTAL ... 1867 ...	..	36	36	3	18	..	11	..	3	35	1	17·6
	DIFFERENCE ...	+1	—11	—10	+4	—7	..	—6	..	=	—9	—1	—2·1

* Of these, 2 are pending and entered in column 13.
† These are all excluded from the total column 12.

No. IIIA.

General Statement of Regular Appeals preferred to Courts of Commissioners in the Central Provinces, during the year 1868.

Number.	Division.	District.	Total number of Cases on the file.	Disposed of.								Pending on 31st December 1868.	Percentage of orders not confirmed	Total number of days.	Average number of days in each Case.	Date of oldest case pending.	Remarks.
				Confirmed.	Modified.	Reversed.	Returned for re-investigation.	Adjusted or withdrawn.	Struck off in default.	Transferred.	Total						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1	Nagpore	Nagpore	66	26	3	14	..	7	...	..	50	16	34·	...	41	...	
2		Chanda	6	5	...	..	..	...	..	...	5	1	..	..	48	..	
3		Bhundara	9	7	...	...	..	2	..	..	9	...	...	.	38	...	
4		Wurdah	29	16	2	4	..	7	...	..	29	...	20·6	..	44	..	
5		Balaghat	..	..	..	...	..	..	...	..	...	...	..	..	..	..	
6		Upper Godavery District. ..	2	1	..	1	...	..	..	...	2	..	50·	..	57	...	
		Total.. ..	112	55	5	19	...	16	..	..	95	17	25·2	...	43	..	
7	Jubbulpore	Jubbulpore	73	29	1	7	1	..	1	...	39	34	20·5	...	25	..	
8		Saugor	27	5	..	2	..	..	2	..	9	18	22·2	..	97	..	
9		Dumoh	12	3	..	2	1	...	1	..	7	5	28·5	..	18	..	
10		Seonee	5	1	..	...	...	..	1	.	2	3	..	..	64	..	
11		Mundla	6	1	..	..	..	..	...	..	1	5	..	..	13	...	
		Total... ...	123	39	1	11	2	...	5	..	58	65	20·6	..	36	..	
12	Nerbudda	Hoshungabad	62	37	3	6	7	..	5	...	58	4	27·	2,899	50	1st Decr. 1868.	
13		Baitool	21	9	4	5	..	..	1	..	19	2	47·	1,030	54	21st Octr. 1868.	
14		Nursingpore .. .	44	19	17	1	4	.	1	...	42	2	52·	1,304	31	16th Decr. 1868.	
15		Nimar	33	15	1	7	3	..	4	...	30	3	37·	2,269	75	14th Decr. 1868.	
16		Chindwara	2	1	1	..	..	..	..	...	2		50·	145	73	..	
		Total.. ..	162	81	26	13	14	..	11	...	151	11	39·	7,647	50	21st Octr. 1868.	
17	Chutteesgurh	Raepore	53	32	7	8	..	..	5	..	52	1	28·8	694	13	..	
18		Sumbulpore	3	3	..	..	...	..	..	...	3	..	...	50	16	..	
19		Balaspore	6	3	..	3	..	..	...	...	6	..	50·	140	23	..	
		Total.. ..	62	38	7	11	..	..	5	..	61	1	29·3	884	14	..	
		Grand Total... {1868 ...	459	213	39	60	16	16	21	..	365	94	27·1	..	36	21st Octr. 1868.	
		{1867 ...	309	155	26	47	14	3	16	...	261	48	27·8	..	36	10th July 1867.	

No. IIIA—2.

Statement of Miscellaneous Cases pending and disposed of in the Courts of Commissioners of Division during the year 1868.

Nature of Cases.	Pending at the close of 1867.	Instituted during the year 1868.	Received by transfer.	Total.	Disposed of.				Pending at the close of 1868.	Remarks
					Decided on merits.	Struck off.	Transferred.	Total.		
1	2	3	4	5	6	7	8	9	10	11
1. Appeals against orders in cases of execution of decree ...	22	97	...	119	89	15	...	104	15	
2. Claims against attachment of property. ...	...	5	...	5	2	1	...	3	2	
3. Appeal in Miscellaneous cases preferred from orders of Lower Courts ...	1	25	...	26	21	...	...	21	5	
4. Petitions for review of judgment ...	1	4	...	5	5	...	...	5	...	
5. Claims to sue as paupers ...	1	2	...	3	2	...	...	2	1	
6. Proceedings on miscellaneous subjects from Lower Courts..	...	10	...	10	10	..	...	10	...	
7. Receipts and proceedings from Sudder Court ...	...	2	...	2	2	...	...	2	...	
8. Miscellaneous petitions ...	...	132	...	132	82	50	...	132	...	
Total ...	25	277	...	302	213	66	...	279	23	

No. IIIB.

Statement of Cases heard in the Court of the Judicial Commissioner, Central Provinces, during the year 1868.

Nature of Cases	Total Cases on the File.	Confirmed.	Modified.	Reversed.	Returned for re-investigation.	Adjusted or withdrawn.	Struck off in default.	Transferred to other Courts.	Total.	Pending on 31st December.	Percentage of orders not confirmed.	Average number of days taken in each Case.	Date of oldest Case pending.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Miscellaneous special appeals ...	42	36	..	3	1	..	..	..	40	2	10·	10 Days.	28th Novr. 1868.
Special appeals ...	77	55	1	6	8	..	...	..	70	7	21·4	22 Days.	30th March 1868.
Total 1868 ...	119	91	1	9	9	...	..	..	110	9	17·2	18 Days.	
Total 1867 ...	109	76	..	12	9	...	3		100	9	*21·	12 Days	*This 21 was the correct percentage for 1867.
Difference	+10	+15	+1	—3	...	..	—3	..	+10	..	..	..	

No. IIIC.

Statement of Appeals in the Courts of Commissioners of Division, as Commissioner and Zillah Judge, in Suits disposed of by Subordinate Courts, exercising the powers of a Collector or Deputy Collector, under Act X. of 1859, as amended by Act XIV. of 1863, during the year 1868.

Division.	District.	Pending at the close of last year.	Instituted during the year.	Decided.	Pending at the close of the year.	Average duration.
Nagpore.	Nagpore ..	1	5	4	2	43
	Chanda ..	...	...	...	..	..
	Bhundara ..	..	10	10	...	74
	Wurdah ..	..	6	5	1	18
	Balaghat ...	...	...	..	..	...
	Total ..	1	21	19	3	48
Jubbulpore.	Jubbulpore ..	4	19	16	7	25
	Saugor ..	2	9	3	8	17
	Dumoh ...	1	1	1	1	15
	Seonee ...	...	1	...	1	..
	Mundla ..	...	..	...	...	...
	Total ..	7	30	20	17	24
Nerbedda.	Hoshungabad ..	..	15	13	2	71
	Baitool ...	...	2	2	..	70
	Nursingpore ..	..	5	4	1	44
	Nimar ..	...	..	...	..	..
	Chindwara ...	1	1	2	..	118
	Total ...	1	23	21	3	70
Chuttisgurh.	Raepore ...	..	2	2	..	13
	Sumbulpore ..	...	5	5	...	27
	Belaspore ..	...	1	1	...	51
	Total ...	..	8	8	...	27
Upper	Gody. District.	..	..	...	..	..
	Total ..	9	82	68	23	46

No. IV.

Statement showing execution of Decrees in the Civil Courts of the Districts of the Central Provinces, during the year 1868.

Division.	District.	Number of decrees passed during the year.	Number of Applications for execution.				Number heard on merits.	Number of decrees completely executed.	Number of decrees partially executed.	Number in which there was no execution.	Struck off on default.	Number of cases in which specific performance was enforced.	Number of cases decided in favour of claimant.	Number of cases decided against claimant.	Number of coercive processes in execution.				Pending since the month of								
			Pending from last year	Of decrees of past year.	Of decrees of current year	Total.									Sales of real property.	Sequestration of real property.	Sales of personal property.	Imprisonment.	May.	June.	July.	August.	September.	October.	November.	December.	Total.
Nagpore	Nagpore	3,174	149	613	1,520	2,291	1,740	901	491	348	278	121	118	55	254	9	253	52	..	1	2	3	4	50	92	121	273
	City Small Cause Court, Nagpore ..	2,556	52	300	1,437	1,789	1,213	730	191	292	492	..	60	52	..	..	144	137	..	..	..	..	..	5	11	68	84
	Cantonment do Kamptee ..	1,900	2	60	435	497	413	145	87	181	7	..	13	3	..	..	57	61	..	..	..	..	..	..	..	77	77
	Chanda	1,256	7	158	355	559	413	286	130	..	91	..	38	39	24	..	101	9	..	..	..	12	2	3	12	24	53
	Bhundara	2,097	237	576	1,004	1,817	1,358	642	594	122	314	..	84	122	303	6	669	31	..	..	..	..	..	11	43	91	145
	Wurdah	1,894	59	466	722	1,247	949	514	269	164	173	..	63	62	131	..	193	61	..	4	4	2	1	2	19	93	125
	Balaghat	602	27	96	310	433	377	223	110	44	25	20	4	15	14	..	60	73	..	..	..	..	..	..	9	22	31
Jubbulpore	Jubbulpore	1,091	89	1,100	490	1,679	1,334	340	528	460	222	33	6	100	213	13	125	25	*13	..	..	..	..	21	39	50	123
	City Small Cause Court, Jubbulpore ..	1,120	36	367	436	839	603	124	333	146	196	..	2	25	..	..	153	21	..	..	..	..	..	1	11	28	40
	Cantonment do. do. ..	469	..	74	167	241	205	84	109	12	27	..	..	3	..	..	13	16	..	..	..	..	..	..	..	9	9
	Saugor	2,305	85	1,769	737	2,591	1,978	524	699	755	430	..	9	98	195	501	99	55	..	..	..	..	7	11	44	121	183
	Cant. Small Cause Court, Saugor ..	426	7	68	96	171	154	52	64	38	12	1	..	2	..	..	16	12	..	..	..	..	..	..	..	5	..
	Dumoh	1,225	35	944	231	1,211	993	373	304	316	135	1	26	19	66	120	34	33	..	..	..	..	..	5	26	51	82
	Seonee	740	33	499	330	862	647	208	193	246	176	..	19	31	49	115	85	24	..	..	..	1	3	2	3	30	39
	Mundla	270	..	101	111	212	178	85	76	17	29	..	..	..	8	10	36	17	..	..	..	..	..	..	..	5	5
Nerbudda	Hoshungabad	3,693	254	2,811	1,468	4,543	3,513	940	1,281	1,292	811	..	103	137	282	93	259	70	..	..	..	..	..	26	71	122	219
	Baitool	2,175	153	746	769	1,668	1,239	540	470	229	305	1	73	101	151	318	96	4	..	..	..	..	..	6	45	73	124
	Narsingpore	3,175	102	2,721	1,271	4,094	3,012	866	1,220	926	831	..	73	92	102	308	261	54	..	..	..	..	..	9	9	242	251
	Nimar	4,171	216	826	2,256	3,298	2,452	2,128	363	21	501	..	143	95	119	..	172	104	..	..	..	1	2	31	107	204	345
	Cant. Small Cause Court, Asseergurh ..	72	..	5	35	40	37	34	..	3	1	..	..	1	..	..	..	3	..	..	..	..	..	..	..	2	2
	Chindwara	2,318	50	657	767	1,474	1,196	633	366	207	145	..	80	47	111	..	65	37	..	..	1	2	2	10	23	95	133
Chuttisgurh.	Raepore	1,171	40	256	405	701	485	366	119	..	170	..	20	34	21	31	157	52	†2	‡1	§1	1	3	1	8	29	43
	Sumbulpore	303	19	44	135	198	145	108	34	3	37	..	..	..	8	..	9	4	..	..	..	..	..	2	9	5	16
	Belaspore	2,683	20	212	809	1,041	904	575	300	29	115	..	6	..	..	14	46	41	..	..	..	..	..	9	4	9	22
	Upper Godavery District	78	2	7	16	25	21	17	..	4	1	10	12	..	..	1	..	1	..	..	1	..	..	..	1	1	3
	Total 1868..	41,657	1,685	15,476	16,351	33,512	25,562	11,434	8,271	5,857	5,525	187	1,114	1,133	2,051	1,539	3,106	997	15	6	9	42	24	196	586	1,577	2,425
	Total 1867..	33,801	1,126	11,336	15,478	27,942	21,132	9,944	7,066	3,522	5,120	138	770	594	1,649	1,377	2,552	701	..	..	..	81	38	148	519	904	1,690
	Difference ..	+7,256	+559	+4,140	+873	+5,570	+4,430	+1,490	+605	+2,335	+405	+49	+344	+539	+402	+162	+154	+296	+15	+6	+9	—69	—14	+48	+67	+673	+735

* July 1867 ; February, May, June. July, August and September 1868.
† In January.
‡ In February.
§ In March

No. VI.

Statement showing the Miscellaneous work of the Civil Courts of the Districts of the Central Provinces during the year 1868.

Nature of Case.	Cases on the File.			Disposed of.			Pending					Remarks
							Since the month of					
	Pending at the close of last year.	Instituted during the year.	Total.	Decided on their merits.	Struck off in default.	Total.	September.	October.	November.	December.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12	13
Claims to attached property ..	...	487	487	487	..	487	...	...	...	..	..	
Contempt of Court ...	..	7	7	7	...	7	..	..	..	..	..	
Claim to foreclose or redeem a Mortgage ..	..	..	...	..	..	...	..	..	...	..	..	
Claims to sue as pauper ...	..	104	104	84	19	103	..	..	..	1	1	
Miscellaneous applications or proceedings other than above ..	5	4,881	4,886	4,767	115	4,882	....	1	...	3	4	
Total ... 1868..	5	5,479	5,484	5,345	134	5,479	..	1	..	4	5	
Total ... 1867..	...	4,480	4,480	4,436	30	4,466	..	..	..	14	14	
Difference ..	+5	+999	+1,004	+909	+104	+1,013	..	+1	..	—10	—9	

Local Statement No. IX.—(Civil.)

General Statement regarding the Work of each Officer employed in the Central Provinces, during the year 1868.

Period of Employment.		Name and Designation of Officer.	Number of regular suits and appeals disposed of.	Cases of execution of decree or claims to attached property.	Total.	Average duration of regular suits and appeals.	Average number of hearings in original suits.	Percentage of cases disposed of by judgment in suits defended to total disposed of.	Percentage of decrees reversed or modified in appeals heard.	Average per annum of Civil cases shown in this Statement.	Remarks.
Months.	*Days.*	NAGPORE.									
2	6	W. M. Low, Esq., Deputy Commissioner ...	12	...	12	54·6	..	..	..	5·8	
6	0	Major E. M. Playfair, Officiating Deputy Commissioner ..	35	..	35	30·4	2·6	80·	..	5·8	
0	17	Captain H. F. Newmarch, do. ..	..	1	1	..	...	..	...	1·7	
1	8	Lieutenant W. S. Brooke, do. ...	11	...	11	32·6	5·	..	..	8·6	
2	0	Major F. Fenton, Deputy Commissioner ..	7	..	7	19·	2·5	33·3	...	3·4	
12	0	Lieut.-Col. F. L. Magniac, Judge Small Cause Court ...	1,754	963	2,717	12·2	2·1	22·4	..	222·6	
2	6	Major E. M. Playfair, Cantonment Magistrate	146	37	183	12·7	2·3	20·5	..	66·3	
5	20	Capt. S. S. Sutherland, Officiating Cantonment Magistrate.	1,022	169	1,191	11·0	2·0	23·1	...	177·2	
4	5	Capt. T. H. Brooke, do.	816	230	1,046	13·7	2·0	20·2	...	192·7	
8	0	A. B. Ross, Esq., Assistant Commissioner ..	33	43	76	51·	4·4	48·4	66·6	9·3	
3	0	G. J. Nicholls, Esq., do. ..	28	22	50	27·	3·6	35·7	42·8	16·5	
3	8	W. Minton, Esq., Extra-Assistant Commissioner ...	4	..	4	59·	3·	100·	..	1·2	
4	5	T. Drysdale, Esq., Assistant Commissioner ..	9	6	15	33·7	2·3	...	...	3·5	
12	0	Lieut. E. H. Miller, do. ..	123	70	193	15·1	2·4	35·7	41·6	16·2	
8	26	L. Neill, Esq., do. ..	7	..	7	23·8	2·	42·8	100·	·7	
9	0	Moonshee Buktawur Sing, Extra-Asst. Commissioner ..	821	807	1,628	24·2	2·9	33·6	50·	180·8	
8	15	Mr. Poorshotum Rao, Registrar ..	1,678	609	2,287	8·5	·2	8·7	..	268·	
3	14	„ Dinkur Rao, do. ..	627	245	872	8·2	2·1	28·2	..	251·5	
12	0	Bhasker Rao, Tehseeldar, Nagpore ...	118	76	194	16·7	3·	28·1	44·4	16·1	
9	0	Bapajee Balkrishna do. Katole ...	628	300	928	15·5	2·5	24·8	50·	102·	
3	0	Succaram Mahiput, Officiating Tehseeldar, Katole ..	369	93	462	18·9	2·9	16·2	25·	150·6	
9	0	Nagoo Rao, Tehseeldar, Ramtek ...	1,106	367	1,473	12·7	3·	19·6	57·1	161·8	

Period of Employment.		Name and Designation of Officer.	Number of regular suits and appeals disposed of.	Cases of execution of decree or claims to attached property.	Total.	Average duration of regular suits and appeals.	Average number of hearings in original suits.	Percentage of cases disposed of by judgment in suits defended to total disposed of.	Percentage of decrees reversed or modified to appeals heard.	Average per mensem of Civil cases shown in this Statement.	Remarks.
Months.	*Days.*	NAGPORE—(*Continued.*)									
0	14	Khoorshed Hoossein, do. ..	3	6	9	1·8	3·	33·3	75·	19·3	
12	0	Gunput Rao, Tehseeldar, Oomrair ..	510	128	638	17·6	3·	15·	80·	53·1	
5	15	Succaram Muhiput, Naib Tehseeldar, Katole ..	380	121	501	17·4	9·7	13·4	66·6	91·	
9	0	Ragho Myral, Naib Tehseeldar, Oomrair ..	242	136	378	9·2	2·5	9·9	100·	42·	
2	15	Ramkishen Keshew, do. Ramtek ...	116	15	131	15·9	2·5	20·6	...	52·4	
		CHANDA.									
12	0	Capt. C. B. Lucie Smith, Deputy Commissioner ..	11	3	14	55·6	3·5	100·	...	1·2	
12	0	S. H. Hennessey, Esq, Extra-Assistant Commissioner ..	511	217	728	25·6	2·7	12·9	..	60·6	
10	2	Ahfad Hoosain, do. ...	33	11	44	17·3	3·5	21·2	50·	4·3	
10	11	Sudaseo Mahiput, Tehseeldar, Wurrora .	462	149	611	18·8	2·8	13·8	...	58·2	
1	19	Bulwunt Rao, do. ..	8	10	18	66·2	6·5	25·	..	10·8	
6	17	Himmut Ali, Tehseeldar, Bhool ..	167	67	234	11·9	2·7	25·1	50·	34·9	
4	22	Narrain Rao, . do. ..	39	18	57	31·4	3·4	43·6	...	11·8	
12	0	Rughonauth Rao, do. Berhampooree ..	396	109	505	12·4	2·8	25·5	..	42·	
		BHUNDARA.									
11	10	Capt. H. F. Newmarch, Deputy Commissioner ..	54	..	54	14·	..	...	..	4·7	
0	20	Lieut. G. H. Trevor, Offg do. ..	1	..	1	15·	..	..	..	1·5	
12	0	D. A. Cameron, Esq., Extra-Assistant Commissioner ..	414	236	650	19·9	2·6	19·9	...	54·1	
12	0	Mahomed Boodhun do. ..	608	572	1,180	21·7	2·5	24·8	29·	98·3	
9	0	Lala Lukmichund, Tehseeldar, Bhundara ...	136	228	364	39·2	3·3	25·	20·	39·7	
12	0	Neelkunt Rao, Tehseeldar, Sakolee ..	492	253	745	12·9	2·6	15·7	16·6	62·	
12	0	Madho Rao, Tehseeldar, Tirrora .	1,151	589	1,740	18·	2·8	27·	7·7	141·5	

		WURDAH.									
12	0	Capt. M. P. Ricketts, Deputy Commissioner	...	77	13	90	16·	4·	20·	26·5	7·5
6	13	T. Drysdale, Esq., Assistant Commissioner	...	170	118	288	15·	2·6	31·1	[illegible]	43·8
3	3	H. E. Wrottesley, Esq., do.	..	184	83	267	30·	3·	18·1	[illegible]	84·3
2	27	Moonshee Buktawur Sing, Extra-Assistant Commissioner.		53	14	67	16·	2·1	41·5	[illegible]	22·8
0	24	H. E. M. Impey, Esq., do.	..	20	3	23	22·	3·5	10·	[illegible]	30·
12	0	M. B. Tul Sing, do.	..	616	247	863	20·	2·6	15·4	...	71·8
12	0	Dadajee Jeywunt, Tehseeldar, Hoozoor	..	572	204	776	21·	3·7	27·8	...	64·7
7	0	Narrain Rao Appajee, Tehseeldar, Hingunghat	..	133	69	202	38·	3·8	23·3	...	28·3
5	0	Himmut Alli, do.	..	171	42	213	19·	2·3	28·6	..	41·7
12	0	Krishsun Rao Rajeshwur, Tehseeldar, Arvee	...	810	252	1,062	19·	2·7	16·3	...	88·5
3	0	Ram Kishun, Naib do.	..	239	77	316	14·	3·	34·3	...	105·3
		BALAGHAT.									
5	23	Capt. J. L. Loch, Offg. Deputy Commissioner	..	14	2	16	26·3	3·3	20·	..	2·7
6	7	Lieut. A. Bloomfield, do,	..	32	30	62	21·7	3·5	45·0	...	9·7
9	0	Kesho Sheoram, Tehseeldar, Balaghat	...	514	258	772	29·8	2·9	17·0	..	81·5
3	0	Sukharam Mahiput do.	..	132	105	237	38·5	3·1	16·0	75·	77·2
12	0	Gunput Rao, Naib do.	..	103	26	129	9·6	2·6	21·3	100·	10·7
		JUBBULPORE.									
8	0	W. B. Jones, Esq., Deputy Commissioner	..	27	10	37	54·1	3·2	83·3	...	4·5
3	20	Major E. M. Playfair, Offg. Deputy Commissioner	..	5	6	11	22·2	3·	100	...	3·
9	18	J. W. Tawney, Esq., Assistant Commissioner	..	501	843	1,344	18·2	2·4	29·9	..	138·5
1	26	F. Venning, Esq., do.	..	100	173	273	14·2	2·5	32·	..	143·6
7	0	A. M. Russell, Esq., do.	..	57	44	101	16·7	2·6	31·5	100·	14·2
5	2	Lieut. A. F. Jones, do.	...	43	32	75	12·8	2·4	23·3	50·	14·7
10	3	Capt. T. Wakefield, Judge Small Cause Court	..	1,699	697	2,396	19·1	2·2	31·7	..	234·1
1	28	Capt. C. H. Plowden, do.	..	338	135	473	14·8	2·	33·7	...	240·5
11	4	Capt. C. H. Plowden, Judge Small Cause Court, Cantt.	.	454	255	709	7·6	2·1	21·3	...	62·9
0	27	Major S. C. D. Ryder, do.	...	40	12	52	5·5	2·	40·	...	57·7
12	0	Moulvie Alli Hussun, Extra-Assistant Commissioner	..	10	21	31	14·6	2·8	..	...	2·5
11	20	Rae Sooklall, Extra-Assistant Commissioner	..	41	63	104	18·8	2·6	29·3	20·	8·8
11	0	Syud Kazim Ali, Tehseeldar, Jubbulpore	..	38	42	80	10·8	2·5	15·8	66·7	7·1
12	0	Mirza Alli, Tehseeldar, Sleemanabad	..	246	139	385	16·7	3·2	23·6	..	32·

Period of Employment.		Name and Designation of Officer.	Number of regular suits and appeals disposed of.	Cases of exception of decree or claims to attached property.	Total.	Average duration of regular suits and appeals.	Average number of hearings in original suits.	Percentage of cases disposed of by judgment in suits defended to total disposed of.	Percentage of decrees reversed or modified to appeals heard.	Average per mensem of Civil cases shown in this Statement.	Remarks.
Months.	*Days.*	JUBBULPORE.—(*Continued*).									
12	0	Ubdool Huq, Tehseeldar, Bijiragogurh ..	74	42	116	18·2	2·5	33·8	...	9·6	
9	0	Nanukchund, Tehseeldar, Sehora ..	423	274	697	8·1	2·2	22·	66·7	76·5	
1	5	Bunwaree Lall, Tehseeldar, Sehora ..	66	29	95	11·1	2·2	21·2	50·	61·9	
2	0	Serajool Hussan, Naib Tehseeldar, Sehora .	76	...	76	6·3	2·8	15·8	..	38·	
		SAUGOR.									
4	5	Lieut.-Col., J. N. H. Maclean, Deputy Commissioner ..	15	....	15	10·4	..	86·6	..	3·6	
7	25	Major J. C. Wood, do. ..	59	..	59	87·9	4·0	94·9	...	7·4	
7	6	Capt. H. L. Lugard, Offg. Judge, Small Cause Court, Cantt.	373	121	494	4·4	2·1	28·9	..	67·9	
3	8	Lieut.-Col H. T. Bartlett, do. ...	188	47	235	4·6	2·1	25·5	..	71·9	
12	0	A. G. W. Harris, Esq., Assistant Commissioner ...	270	348	618	16·1	2·8	29·6	..	51·5	
10	15	S. Azeezoodeen Ahmed, Extra-Assistant Commissioner ..	368	477	845	15·9	3·1	30·9	..	79·4	
12	0	H. L. Dennys, Esq., do. ..	154	152	306	11·8	2·9	33·7	...	25·5	
11	26	Lieut. T. W. Hogg, Assistant Commissioner ..	46	17	63	13·3	3·3	13·9	5·6	5·2	
12	0	Syud Mahud Emamn, Tehseeldar, Koiye ..	369	179	548	5·7	2·6	13··	...	45·6	
12	0	Debee Pershad, Tehseeldar, Rehlee ...	367	405	772	23·0	2·3	11·9	30·0	64·1	
12	0	Mahomed Mohudeen Hussain, Tehseeldar, Saugor ..	522	343	865	14·4	2·2	30·0	35·4	72·	
10	19	Assad Ullee, Tehseeldar, Banda ..	476	102	578	8·9	2·4	·8	...	52·6	
12	0	Lukhput Rai, Naib Tehseeldar, Rehlee ..	950	576	1,526	20·7	2·6	17·5	31·6	127·1	
		DUMOH.									
12	0	H. Read, Esqr., Officiating Deputy Commissioner ..	17	..	17	9·8	..	...	..	1·4	
9	27	H. E. Wrottesley, Esqr., Assistant Commissioner ..	194	215	409	14·1	2·3	12·3	..	82·4	
12	0	Oulad Hossein, Extra-Assistant Commissioner ..	699	430	1,129	8·8	2·7	32·6	..	94·	
12	0	Thukut Sing, Tehseeldar, Hutta ..	526	294	820	9·7	2·7	8·1	22·2	68·3	
12	0	Ameer Khan, Tehseeldar Dumoh ..	212	235	447	13·4	3·2	17·4	..	37·2	

		SEONEE.									
12	0	Lieut-Colonel J. B. Dennys, Deputy Commissioner	...	23	9	32	23·	2·	50·	..	2·6
10	2	Lieutenant R. M. B. Thomas, Assistant Commissioner	..	22	154	176	21·	3·8	34·8	...	17·2
2	29	H. E. Wrottesley Esqr., Assistant Commissioner	..	2	33	35	43·	4·	50·	..	11·8
9	10	Abdool Raheem, Extra-Assistant Commissioner	..	420	184	604	11·	2·4	24·4	44·4	67·3
12	0	Shunker Lall, Tehseeldar of Kuttunghee	...	416	187	603	21·	3·7	85·	...	50·2
12	0	Abdool Mujeed, Tehseeldar of Seonee	...	238	223	461	20·	3·9	7·5	...	38·4
12	0	Sheik Mahomed Abdoola, Tehseeldar, of Lucknadown	..	280	83	363	17·	2·1	17·2	16·6	30·2
		MUNDLA.									
9	0	Captain H. C. E. Ward, Deputy Commissioner	..	2	..	2	13·	...	..	...	·2
10	2	Baboo Nobin Krishto Bose, Extra-Assistant Commissioner		266	135	401	9·9	2·2	34·2	...	40·1
1	20	Abdool Raheem, Extra-Assistant Commissioner	..	..	1	1	..	..	..	..	·6
12	0	Noor Mahomed, Tehseeldar, Mundla	...	93	59	152	6·6	2·0	1·7	1·0	12·6
3	29	Kubbeeroodeen Hussein, Tehseeldar, Ramgurh	..	27	15	42	10·6	2·4	22·2	..	10·5
8	2	Muqsoodool Hussain, Tehseeldar do.	..	17	2	19	11·4	3·	...	...	2·3
		HOSHUNGABAD.									
12	0	Lieut-Colonel W. H. Crichton, Deputy Commissioner	..	75	11	86	19·2	12·5	42·8	30·8	7·1
12	0	Mr. J. H. MacGeorge, Assistant Commissioner	..	1,104	650	1,754	21·1	2·4	15·2	..	145·8
12	0	Sheopershad, Extra-Assistant Commissioner	..	1,052	1,324	2,376	14·3	2·7	16·7	...	198·
11	20	Moulvee Ashfaq Hoseiu, Extra-Assistant Commissioner	..	211	407	618	16·5	2·6	20·8	...	52·3
10	7	Leeladhur, Extra-Assistant Commissioner	..	509	482	991	11·5	2·6	15·7	..	95·6
12	0	Pundit Ramdyal, Tehseeldar	..	527	410	937	9·9	2·3	20·5	..	78·
12	0	Adjoodia Pershad, Tehseeldar	..	669	437	1046	9·8	3·7	14·9	...	87·1
12	0	Mahomed Alli, Tehseeldar	..	859	515	1,374	10·	2·6	12·7	...	114·5
5	0	Bissessurdyal, Naib Tehseeldar	..	587	328	915	5·7	2·5	24·7	...	183·
		BAITOOL.									
9	0	Colonel R. T. Snow, Deputy Commissioner	..	84	22	106	10·9	2·	50·	...	11·7
3	0	Captain H. I. Lugard, Offg. Deputy Commissioner	..	28	3	31	20·7	4·	50·	...	10·3
2	30	Lieutenant J. Ducat, Offg. Deputy Commissioner	...	17	2	19	20·9	1·	...	...	6·2
9	28	Rai Jankeepershad, Extra Assistant Commissioner	...	349	285	634	22·7	2·	13·1	..	63·1
0	23	Gopal Rao, Extra-Assistant Commissioner	..	82	33	11	20·1	3·	16·1	..	150·
9	15	Ramchurn Lall, Tehseeldar, Baitool	..	1,094	611	1,705	20·	3·	24·2	13·9	177·6
12	0	Goolam Mahomed Khan, Tehseeldar Mooltye	..	984	649	1,633	16·9	2·	17·9	33·3	136·
2	16	Irshad Alli, Tehseeldar, Baitool	..	216	112	328	11·2	2·	21·3	5·7	131·2
7	0	Major H. F. Waddington, Deputy Commissioner	..	43	4	47	20·7	4·	...	..	6·6
5	0	Captain J. Loch, Offg. Deputy Commissioner	...	26	1	27	14·9	2·5	100·	...	5·3

Period of Employment.		Name and Designation of Officer.	Number of regular suits and appeals disposed of.	Cases of execution of decree or claims to attached property.	Total.	Average duration of regular suits and appeals.	Average number of hearings in original suits.	Percentage of cases disposed of by judgment in suits defended to total disposed of.	Percentage of decrees reversed or modified to appeals heard.	Average per mensem of Civil cases shown in this Statement.	Remarks.
Months.	*Days.*	NURSINGPORE.									
12	0	F. St. C. Williams, Esq., Extra-Assistant Commissioner ...	595	255	850	17·1	3·7	20·5	...	70·8	
8	0	H. F. Prior, Esq., Extra-Assistant Commissioner ..	65	79	144	14·3	4·4	32·3	57·1	17·9	
2	11	Moulvie Tajoodeen Hossein, Extra-Assistaut Commissioner	95	168	263	7·5	2·6	21·	..	109·5	
8	20	Gopal Rao, Extra-Assistant Commissioner ...	664	1,096	1,760	11·9	2·8	32·9	..	199·2	
0	15	T. E. Ellison, Esq., Assistant Commissioner ..	25	36	61	15·3	2·4	20·	..	120·	
0	10	Abdool Raheem, Extra-Assistant Commissioner ...	5	20	25	13·6	3·8	..	...	75·	
0	24	Kazim Ali, Tehseeldar ..	68	13	81	7·5	2·6	26·4	40·	101·2	
11	7	Kalichurn, Tehseeldar ...	869	579	1,448	15·3	4·3	9·5	38·	127·3	
6	20	Nehalchuru, Tehseeldar ..	841	584	1,425	14·7	1·5	41·	35·7	212·6	
8	0	Sheolall Doobey, Tehseeldar ..	392	702	1,094	13·7	2·5	13·2	42·8	136·5	
7	15	Venkut Rao, Tehseeldar ...	254	370	624	18·7	3·3	27·5	25·	81·7	
4	15	Kishoree Lall, Tehseeldar ...	103	101	204	22·7	4·4	32·	...	44·6	
		NIMAR.									
12	0	Captain C. H. Grace, Deputy Commissioner ...	75	11	86	16·8	2·6	41·5	32·	7·1	
12	0	Lieutenant T. A. Scott, Assistant Commissioner ..	1,294	666	1,960	18·3	2·6	1·7	..	163·3	
8	7	Lieutenant W. Virtue, Assistant Commissioner. ...	1,065	576	1,641	14·6	2·4	18·1	..	196·	
1	0	A. B. Ross, Esq., Assistant Commissioner, ..	183	119	302	26·3	2·7	7·8	..	302·	
2	23	Mahomed Zeinoolabdeen Khan, Extra-Assistant Commissioner, Boorhanpore ...	365	214	579	28·6	2·8	14·6	..	193·7	
9	7	Do. do. Extra-Assistant Commissioner, Khundwah Booranpore ...	1,790	945	2,735	20·	2·5	12·7	..	300·5	
12	0	Madho Rao, Tehseeldar, Khundwa ...	159	40	199	18·1	2·8	16·9	..	16·5	
7	22	Bulwunt Rao, Tehseeldar, Motucca ..	382	221	603	12·4	2·3	21·5	...	77·3	
2	5	Sheo Lall Doobey, Tehseeldar, Motucca ...	72	62	134	8·8	2·2	10·4	..	62·8	
2	3	Gunput Rao, Naib-Tehseeldar, do. ...	93	..	93	12·2	2·1	22·5	...	45·	
12	0	Govind Rao, Tehseeldar, Boorhanpore ...	487	136	623	19·9	2·5	16·7	..	51·9	
1	15	Ramchurn Lall, Tehseeldar, Poonassa ...	36	32	68	13·3	2·6	30·5	..	44·3	

3	0	Beharee Lall, Naib Tehseeldar, Boorhanpore	...	93	78	171	11·	2·	15·	...	57·
3	0	Gunput Rao, Naib-Tehseeldar, Khundwa	..	54	91	145	15·5	3·	7·4	..	48·3
12	0	Capt. W. H. Ross, Judge (Cantonment) Small Cause Court, Asseergurh	..	247	39	286	13·	2·	18·1	..	23·8
		CHINDWARA.									
3	27	Major J. C. Wood, Deputy Commissioner	..	20	1	21	49·7	..	...	..	5·3
8	2	Major J. Ashburner, Deputy Commissioner ·	...	6[illegible]	[illegible]	66	22·4	..	..	100·	8·
6	11	Captain T. H. B. Brooke, Assistant Commissioner	...	1[illegible]	[illegible]	19	29·5	2·9	16·6	...	2·9
0	25	Captain H. Lugard, Assistant Commissioner	...	[illegible]	..	2	54·	4·0	..	..	2·4
9	16	Soultan Ali, Extra-Assistant Commissioner	..	97[illegible]	45[illegible]	1,424	12·3	3·0	28·7	3·8	146·6
12	0	J. Lloyd, Esq., Extra-Assistant Commissioner	.	270	132	402	20·7	3·1	20·9	46·6	33·5
4	0	Yenkut Rao, Tehseeldar	..	426	240	666	19·6	3·1	9·6	..	166·4
8	0	Kishoree Lall, Tehseeldar	..	398	289	687	21·8	3·1	8·5	10·0	84·1
12	0	Imrut Rao, Tehseeldar	..	655	344	999	14·9	3·4	26·2	38·7	83·2
		RAEPORE.									
12	0	Captain E. Twyford, Offg. Deputy Commissioner	...	38	1	39	24·8	1·5	81·5	..	3·2
12	0	Lieutenant J. W. Macdougall, Assistant Commissioner	..	746	353	1,099	15·1	3·	16·8	27·	91·5
12	0	Lieutenant W. L. Noverre, Assistant Commissioner	..	34[illegible]	183	531	15·8	2·7	20·6	34·7	44·2
7	8	Mr. T. Crawley, Extra-Assistant Commissioner	...	5	3	8	64·2	6·6	20·	100·	1
3	17	Beressur Dutt, Extra-Assistant Commissioner	...	1	8	9	49·	8·	100·	...	2·5
12	0	Yacoob Ali, Tehseeldar, Raepore	..	20	12	32	27·	2·9	30·	..	2·6
12	0	Mahfoozoolbaree, Tehseeldar, Dhumterry	...	164	43	207	9·2	2·2	25·	66·6	17·2
7	17	Adjoodia Pershad, Tehseeldar, Droog	...	151	47	19	10·7	2·4	31·	50·	25·9
4	4	Heera Lall, Offg. Tehseeldar, do.	...	27	14	41	8·7	2·5	25·9	..	9·9
10	16	Mahomedool Hossein, Tehseeldar, Simgah	..	212	49	261	9·7	2·	30·6	66·6	24·4
1	14	Heera Lall, Offg. Tehseeldar, do.	...	13	2	15	10·6	2·7	23·	..	10·2
		SUMBULPORE.									
5	2·	Major A. B. Cumberlege, Deputy Commissioner	..	8	...	8	9·	..	..	20·	1·8
6	29	Captain M. M. Bowie, Offg. Deputy Commissioner	...	4	...	4	7·	2·	...	..	0·8
5	2	Captain M M. Bowie, Assistant Commissioner	...	7	..	7	32·	3·	71·4	..	1·7
7	15	Goor Pershad, Extra-Assistant Commissioner	.	125	...	125	14·5	3·	40·7	...	16·2
4	10	Mr. T. Crawley, Extra-Assistant Commissioner	..	121	...	121	17·	2·	30·5	...	27·9
4	0	Balmookund Putnaik, Tehseeldar, Burgurh	...	46	...	46	9·	2·	26·	...	11·5
6	21	Muddun Mohun Roy, Tehseeldar, Burgurh	..	59	...	59	16·	2·	45·7	..	8·7
4	0	Do. do. Tehseeldar, Sumbulpore	.	33	..	33	10·	2·	30·3	..	8·3

Period of Employment.		NAME AND DESIGNATION OF OFFICER.	Number of regular suits and appeals disposed of.	Cases of execution of decree or claims to attached property.	Total.	Average duration of regular suits and appeals.	Average number of hearings in original suits.	Percentage of cases disposed of by judgment in suits defended to total disposed of.	Percentage of decrees reversed or modified to appeals heard.	Average per mensem of Civil cases shown in this Statement.	Remarks.
Months.	*Days.*	BELASPORE.									
12	0	Captain A. B. Cumberlege, Deputy Commissioner ...	19	2	21	26·	4·	66·6	...	1·7	
8	0	Lieutenant E. A. Pemberton, Assistant Commissioner ...	165	104	269	15·	3	40·4	..	32·9	
8	2	Beressur Dutt, Extra-Assistant Commissioner ...	1,729	560	2,289	11·	2·	10·2	..	280·2	
0	20	Kassee Pershad, Offg. Tehseeldar, Belaspore ..	18	3	21	6·	2·	11·1	...	31·5	
11	11	Ibnool Hossein, Tehseeldar do. ...	563	118	681	13·	2	10·4	...	59·2	
12	0	Abdool Soobhan, Tehseeldar, Moongylee ...	557	109	666	15·	3·	7·7	..	55·5	
12	0	Krishen Rao, Tehseeldar, Seoreenarrain ...	440	129	569	16·	3	19·2	...	47·4	
		UPPER GODAVERY DISTRICT.									
11	0	Captain G. A. A. Warner, Deputy Commissioner ..	28	12	40	24·1	2·5	29·6	100·	3·5	
1	0	Lieutenant S. Brooke, Offg. do. ..	1	..	1	8·	2·	100·	..	1·	
12	0	J. Hornby, Esq., Extra-Assistant Commissioner ..	92	10	102	14·1	2·6	41·3	..	8·5	

No. $\frac{931}{88}$

FROM

THE SECRETARY TO THE CHIEF COMMISSIONER,
Central Provinces.

To

THE REGISTRAR, JUDICIAL COMMR'S. COURT,
Central Provinces.

Dated Nagpore, the 7th April 1870.

SIR,

I am directed to acknowledge the receipt of the Judicial Commissioner's Report on the administration of Civil Justice for 1869, and to communicate to you the Chief Commissioner's remarks on such points as seem to call for notice in the order adopted by Major Mackenzie,

2. (*Para.* 7).—The Chief Commissioner has no doubt whatever of the great gain to the administration of Civil Justice from the system of concentrating all Civil work in the hands of a single officer at the head-quarters of each district. At the same time there is always the danger that the gain to one branch of the Administration may be a loss to the others. Subdivision and minute organisation of the multifarious duties entrusted to District officers can only as a rule be successfully carried out by a numerous staff, and with the limited agency at our disposal, it requires very considerable forethought, and sometimes a measure of ingenuity, to arrange for the devotion of the whole services of a separate officer in each district to one class of duties only, however important. So much correspondence has passed between the Chief Commissioner and the Judicial Commissioner on the subject that Mr. Morris thinks it unnecessary to enlarge on the subject now. It will suffice to say that he is satisfied that Major Mackenzie's general knowledge and experience in other departments of the service will enable him, as it has hitherto enabled him, to prevent the inconveniences which might otherwise arise from cramping the powers of District officers by attempting too high a standard of organisation with a limited staff of assistants,

3. (*Para.* 8).—The Chief Commissioner quite concurs with all that the Judicial Commissioner remarks regarding the distribution of Civil suits effected by the present Judicial arrangements at Nagpore. The scheme for separating the Civil Courts from the regular staff of the

district, and allowing the more important cases to be decided by the principal Judge, while the Assistant Commissioner, who now tries the more important suits, takes up those more adapted to his standing and experience, has been generally approved by the Government; but as the separation of the Courts necessarily involves some slight expense for double record establishments, &c., which cannot be met by savings from the present weak staff of the district Courts, financial considerations preclude further action at present. No doubt as the circumstances of the country improve, the Government may be willing to sanction the trifling expense which this reform will involve, and which will probably be met nearly, if not altogether from increased Court fees.

4. (*Para.* 10).—The proposal to increase the pay of Naib Tehseeldars entrusted with Judicial powers—in the Chief Commissioner's opinion a most necessary measure—has also been suspended on financial grounds.

5. (*Paras.* 11 and 12).—It is perhaps hardly possible to expect that a really respectable and capable bar should have been created, in so short a space of time, in a country where the educated classes are as yet so scantily represented. Some liberality in the construction of the rules was perhaps at first necessary to secure candidates and to lay the foundation of a local bar, but the Chief Commissioner is glad to be able to gather from the Judicial Commissioner's remarks that it now possible to insist upon higher qualifications, and there is no doubt that while the checks which the Judicial Commissioner has placed upon admission to the profession will maintain a sufficient standard of quality, the daily increasing accessibility of the country, and the progress of local education, will prevent any numerical deficiency of candidates. Mr. Morris is quite averse to throwing open the profession, which would in fact be a return to the old system of "Mookhtars." It requires no appeal to past experience to show that the class of low writers who haunt the Courts are the most unsuitable source from which Pleaders can be recruited, and that it is only by the exercise of carefully devised restrictions that the profession can be kept clear of them.

6. (*Paras.* 19 ff.)—The increase in the business of the Courts is really very remarkable. The Statement attached to the 20th paragraph of your report shows, that in seven years (from 1862 to 1869) the number of Civil suits tried in the Courts of the Central Provinces has risen from 24,666 to 63,137, that is, that the work of the Courts has almost trebled. The Judicial Commissioner attributes this increase, as well to the growing care for the public convenience, as to the advancing development of the country, and certainly such cases as that of Belaspore are in favour of this view. It is gratifying to learn that improved and simplified procedure has so strengthened the hands of the Judges that they deal with this vastly augmented burthen without showing the effects of its pressure in slovenly or irregular work. The Chief Commissioner has quite appreciated the Judicial Commissioner's efforts to free the Courts from useless and cumbrous formalities in the interests of the public, and he trusts that the great con-

sideration which Major Mackenzie has given to the subject may enable him to respond favourably to the call recently made by the Government of India,* and even still further reduce the amount of clerical labour imposed on the Courts with the object of checking and regularising their proceedings. The Chief Commissioner will not at present take upon himself to say that much more can be done than has been done towards simplifying the extra-judicial procedure of the Courts, but he will be very glad to have Major Mackenzie's opinion on the subject.

7. (*Paras.* 26 ff.)—The average value of the suits still remains low. The reasons given to account for this are, as regards land, that the more important land disputes have been mostly set at rest by the recent revenue Settlement, and that land has hardly assumed a definite value in the market as yet. As regards commercial suits it is explained (by the Deputy Commissioner of Raepore) that in his district the more important differences among traders are ordinarily settled by arbitration. It is probable that throughout the Province the organisation of society is simpler and less complex than in parts of the country which have been longer settled and inhabited, but Chuteesgurh is even more backward than the Central Provinces generally, and it would not perhaps be safe to infer too much from the practice of the Chuteesgurh traders. However this may be, it is clear that the great mass of the litigation of the Central Provinces is comprised in petty money suits, and this is another argument, if one were needed, in favour of simplifying, cheapening, and accelerating the procedure of the Courts.

8. (*Para.* 30 *b, c,*)—The Chief Commissioner doubts whether the people of the Central Provinces generally are as yet sufficiently enlightened to admit of a free recourse to *ex parte* decisions. It is true that a defendant who thoroughly understands his own interests, and the practice of the Courts, may often find it disadvantageous to sacrifice several days' labour in attempting to contest an indisputable suit, but there are many, especially among the cultivating classes, who are too apathetic or dilatory to exercise a proper guardianship over their own interests, and advantage is often taken of absences thus occasioned to press claims which the defendant, if present, could show to be exaggerated, if not untenable. Therefore in the interests of the defendants themselves, especially in the more backward portions of the Province, the Courts will not infrequently be fully justified in declining to decide *ex parte*, and the Chief Commissioner would regret to observe any disinclination to probe cases to the bottom for fear of causing inconvenience to either of the parties.

9. (*Para.* 37).—From enquiries made in the course of his recent tour through the Province the Chief Commissioner is not satisfied that sufficient care is exercised by Collectors, in all districts, in recommending sale of landed property for debt. This, no doubt, is a matter which should more properly be brought to the notice of Deputy Commissioners in the Revenue department, but the Judicial Commissioner has, from his position, such good opportunities of watching the progress of land

* From Secretary to Government of India, Home Department, No. 1433, dated 17th March 1870.

sales in satisfaction of debt, that the Chief Commissioner would especially value any opinion which his observations on the subject might lead him to express. The question will be more thoroughly discussed in the Revenue Review for 1869-70, but in the meantime Mr. Morris wishes to lose no opportunity of inculcating on Deputy Commissioners the impolicy of allowing our first concession of a regular property in the soil to be signalised by not infrequent evictions of the newly created land-holders from properties which, under the so called farming system, they would have in most cases continued to hold uninterruptedly.

10. In conclusion the Chief Commissioner is glad to have the opportunity to acknowledge the Judicial Commissioner's good services, and especially to record his sense of the spirit in which Major Mackenzie has taken up the important question of facilitating and popularising the administration of justice. The summary at the end of your report shows that Major Mackenzie's efforts have been attended with a full measure of success. I am also to express Mr. Morris's appreciation of the merits of the gentlemen whose services have been brought to notice by the Judicial Commissioner, and especially of Zain-ool-abdeen Khan, Extra-Assistant Commissioner of Nimar, whose work is recorded as remarkable both in quantity and in quality.

I have the honor to be,

Sir,

Your most obedient Servant,

C. GRANT,

Secretary.

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No. 209.

FROM

THE REGISTRAR, JUDICIAL COMMISSIONER'S COURT,
Central Provinces,

To

THE SECRETARY TO THE CHIEF COMMISSIONER,
Central Provinces.

Dated Nagpore, the 25th March 1870.

SIR,

I have the honor to submit the Annual Report on the administration of Civil Justice for 1869, with the prescribed Statements as per margin. The several Divisional and District Reports accompany.

IMPERIAL OR STATISTICAL COMMITTEES' STATEMENTS.

B. 1.—Showing the various Judicial Tribunals, original and appellate.
B. 6, do. the number and description of Civil suits instituted.
B. 7.— do. the value of Civil suits disposed of.
B. 8.— do. the general result of trials of Civil suits in original jurisdiction.
B. 9 — do. the business of the Civil Appellate Courts.
B, 10.— do. the execution of decrees of Civil Courts.

LOCAL STATEMENTS.

II. —Showing the trials of Civil suits in Courts of original jurisdiction.
III.— do. the business of the Civil Appellate Courts.
IV.— do. the execution of decrees in Civil Courts.
VI.— do the miscellaneous work of Civil Courts.
VII.— do. the Tulubana levied in District Courts.
VIII.— do. the work of each Officer during the year.

It has been found possible to omit the Statements formerly numbered IIIA, IIIA 2, IIIB, IIIC; and VIII, and to reduce the remainder of the local series. Everything material has been retained. But Statement II. has been slightly added to.

The system of current Statistical Registration in each Court, which was newly introduced in the end of 1868, has conduced to the reliability of the figured Statements now presented.

The Reports are this year prepared on a uniform plan. That plan is founded on the Statements, and is therefore comprehensive as well as methodical. This has rendered the District reports unusually complete and easy of review. The same plan governs the arrangement of this Report. It was followed in last year's Report also.

2. The Sectional order then in which the subject has to be treated is the following :—

A.—THE TRIBUNALS *(Statement* B I.,)
B.—THE EXTENT AND CHARACTER OF LITIGATION *(Statements* B 6, B 7.*)*
C.—THE GENERAL DISTRIBUTION AND RESULTS OF THE TRIALS OF CIVIL SUITS IN THE COURTS OF ORIGINAL JURISDICTION (*Statements* B 8 and II)
D.—THE APPELLATE BUSINESS (*Statements* B 9 and III.)
E.—EXECUTION OF DECREES *(Statements* B 10 and IV).

A.—THE TRIBUNALS.

3. The following Courts were exercising jurisdiction under Act XIV. of 1865 at the close of the year :—

	1868	1869.
Court of the Judicial Commissioner	1	1
Courts of the Commissioner	4	4
Courts of the Deputy Commissioner	19	19
Courts of the Assistant Commissioner	23	24
Courts of the Tehseeldar	36	38
Naib Tehseeldars' Courts	7	9
Total ..	90	95

And there were six Small Cause Courts established under Act XI. of 1865, *viz*:—

	1868-1869.	
Principal Court of Small Causes, Nagpore City	1	1
Small Cause Court, Jubbulpore City	1	1
Small Cause Court, Jubbulpore Cantonment	1	1
Do. Saugor Cantonment	1	1
Do. Kamptee do.	1	1
Do. Aseergurh do.	1	1
Total ..	6	6

4. In one point only was any change made in the general jurisdiction of the Courts. By the 99th section of the Mutiny Act of 1869, suits which were formerly cognizable only by Military Courts of Request were brought within the cognizance of Courts of Small Causes.

* Court of Request Suits.

5. The steady increase of business has demanded continued attention to the provision of tribunals for its due disposal. On this head the following remarks are pertinent to the work of the year.

6. Judicial powers were given to two more Naib Tehseeldars, and a Registrar with Judicial powers was added to the strength of the Kamptee Court of Small Causes.

New Courts.

7. The system introduced in 1868 of limiting the cognizance of Civil business in the ordinary Courts, as far as possible, to a single Court at each seat of business, presided in by selected officers set apart for the purpose, has been continued and further consolidated during the year. A special report on the subject was submitted in the course of the year and the matter now stands thus :—

Single Court System.

At some places* the work is too heavy for one Court. At some other places† where there is only one Assistant Commissioner or Extra-Assistant Commissioner besides the Deputy Commissioner, and at certain interior Tehseel Stations‡ the Civil business is, by reason of executive exigencies, divided between two Courts. But at all other places § the system is adhered to, and is conducive to a degree of Judicial efficiency unattainable under a system of mixed duties and quite essential to a creditable administration of Civil Justice. The provision of select Officers as Judges of "Courts of the Assistant Commissioner," a point of first importance, appears to be sometimes difficult. It is noticeable that where there has been a falling off in business it has occurred chiefly in Courts of the Assistant Commissioners at head-quarters of districts, and it would appear that the resort of the public to these Courts depends in an important degree upon the personal qualities of the presiding Judge.

* 1. Boorhanpore, 2. Khundwa, 3. Hurdah.

† 1. Wurdah, 2. Balaghat.

‡ 1. Gadurwarra, 2. Mooltye, 3. Ramtek, 4. Oomrair, 5. Katole, 6. Rohlee, 7. Sehora, 8. Arvee.

§ 16 Sudder Stations. | 25 Tehseel or other out-stations.

8. The subject of amalgamating the Principal Court of Small Causes with the "Court of the Assistant Commissioner" at Nagpore was considered during the year. The subject was fully reported upon by the Officiating Judicial Commissioner, and a proposal was made by the Chief Commissioner to Government. The matter is, however, still pending. The chief objects are (1) to bring the best judicial ability to bear on the higher classes of suits, and (2) to relieve the Judge of the Small Cause Court of his second appointment of Registrar General of Assurances. At present, owing to this double charge and to the stress of Small Causes, the Judge of the Small Cause Court who is paid highly for the special

Amalgamation of the Courts at Nagpore.

ability required in a Judge with final jurisdiction, while occasionally interrupting his sittings altogether, takes cognizance of Small Causes only, and the mass of the suits of higher classes has to be disposed of by a "Court of the Assistant Commissioner" of which for the last two years the presiding Judge has been an officer of the comparatively inferior status of an Extra-Assistant Commissioner, 3rd Class. Until this irrational system of distributing the business is reversed, the Judicial administration of so important a place as Nagpore will not be on so good a footing as it might be, and it seems important that in one form or other the amalgamation proposed should be effected.

Additional Small Cause Courts inappropriate.

9. In connection with this subject may be noticed here the opinion which is expressed in the local reports that, owing to the weight of Civil business, a Court of Small Causes might be advantageously established at Khundwah in the Nimar district. The Officiating Judicial Commissioner does not share that opinion. In these Provinces the establishment of Small Cause Courts under Act XI. of 1865 at places where business is heavy will always lead to that unsatisfactory distribution of the local business which now obtains at Nagpore. Moreover, such Courts are here only partially effective for Small Causes. They cannot even try all Small Causes that come for trial. For want of territorial jurisdiction they cannot try the numerous Small Causes that by reason of the limited powers* of "Courts of the Tehseeldar" come for trial from the interior of districts to the very places where the Courts of Small Causes are at work; and, moreover, they cannot execute their own decrees by attachment and sale of immoveable property. On the other hand, the ordinary Courts dispose of Small Causes very well; their procedure is correct, and their hearings are about as few and short as they well can be. One Judge may be a quicker worker than another Judge, but it is a mistake to suppose that the ordinary procedure of Small Cause Courts established under Act XI. of 1865, is more rapid than the procedure of the ordinary Courts. It is precisely the same. No doubt superior Judges (such as Judges particularly selected for Small Cause Courts) are at all times desirable additions to the Judiciary. But to place our best men under the constitution of Act XI. of 1865 is needlessly to cripple their usefulness. The bar to appeal which Act XI. provides has a supposed value, which can hardly, however, be great in Courts wherein from year to year four-fifths of the suits are so disposed of as to be practically incapable of appeal, and in any event the advantage of bringing the best available ability to bear on the higher classes of suits clearly preponderates. The Officiating Judical Commissioner has already reported how the abolition of the Courts of Small Causes (as Courts under Act XI. of 1865) at Nagpore and Jubbulpore City would—the Judges' services being retained—be a good measure, unattended with material drawback, and economically feasible. Accordingly, although Nimar may claim a specially selected Officer for the Civil Court at Khundwah, the Officiating Judicial Commissioner could not recommend that a Court of Small Causes be established there (or anywhere else at present in these Provinces) under Act XI. of 1865.

* To try suits up to Rs. 300 in value only.

Naib Tehseeldar's Courts.

10. During the year a proposal initiated by the Commissioner of the Nagpore Division to place the Courts of Naib Tehseeldars on a better footing was submitted for consideration. It has always been felt that Naib Tehseeldars with judicial powers are underpaid. When powers are given them, it almost always happens that they are fully worked†. And it has seemed anomalous that Judges of Civil Courts in full work,—albeit on Small Causes,—should receive salaries so low as Rs. 50 per mensem. Accordingly it was proposed to give special personal al-

† Naib Tehseeldar of	Number of regular suits decided during 1869.	Number of execution of decree cases during 1869.
Katole ..	1,054	369
Ramtek ..	840	380
Oomrair ..	424	330
Arvee ..	763	229
Mooltye ...	281	154
Sehora ..	562	147
Paruswara ..	81	22
Rehlee ..	814	448

lowance to such Naib Tehseeldars as might be selected for Judicial duty. It is hoped that the proposal may eventually be sanctioned. Judicial aid in certain places where the only Civil Court is that of the Tehseeldar is clearly necessary; and although Naib Tehseeldars are available for the work, it seems right on all grounds that they should, like all Judicial Officers, be placed in a somewhat superior position as to salary.

The Pleaders.

11. During the year the subject of the local Bar was brought under special consideration. It was thought the time had come for reviewing the practical results of the existing rules for the admission of Pleaders to practice in the Courts, in order to know whether we were succeeding under those rules in getting the men we want, or whether the rules practically allow of the admission, along with a few good men, of some also who are little or nothing better than the old untested and uncertificated Mookhtars; and Commissioners, Deputy Commissioners and Judges of Small Cause Courts were asked to report specially on the subject. Some of these reports were only received a few days ago, and it has not yet been possible to deal fully with the subject. One point however became clear at an early stage, *viz*, that action under the rule which directs that before admitting a Candidate for a Pleader's Certificate to examination, Commissioners of Division should require trustworthy testimony showing the sufficiency of the Candidates' general education and respectability of character, had not been sufficiently stringent. A small proportion only of admitted Candidates had passed at the more recent examinations, and some of those who had passed had proved inferior as regards education and respectability. Therefore, before the annual examination in November last, greater caution was enjoined and exercised in admitting Candidates to examination. A number of applications for admission were rejected, only fourteen were admitted, and even after this careful selection of examinees, only two succeeded in passing an examination which was not extraordinarily difficult. Only seven passed in 1868. The growth of the corps of Pleaders therefore does not promise to be rapid. The following Table shows its present strength, and distribution:—

Division.	DISTRICT.	Number of Pleaders practising regularly.	Number of Pleaders practising occasionally.	Total.	REMARKS.
Nagpore	Nagpore	14	1	15	
	Wurdah	2	...	2	
	Bhundara	3	..	3	
Nerbudda	Nimar	1	...	1	
	Hoshungabad	...	2	2	
	Nursingpore	4	...	4	
Jubbulpore	Jubbulpore	6	...	6	
	Dumoh	4	..	4	
	Saugor	8	...	8	
	Total ..	42	3	45	* 9 of these are in Government Service.
	Pleaders not practising ...			10*	
	Total ..			55	

It is to be feared that the causes which tend thus to limit the number of Pleaders also form ground for some unfavourable opinions which have been expressed in regard to the advantage of putting them in the privileged position they hold. On the other hand, it is fair to quote the Commissioner of Nagpore, who, when noticing a remark by one of his Deputy Commissioners to the effect that the Pleaders foment undue litigation, writes,—"I think that the remedy for this sort of thing is very much in the Courts' own hands. If the Courts, as most of them do, would control the Pleaders, treat them as members of an honorable profession, and at the same time put a check on any misdoings, I am confident that the Nagpore Pleaders will do very much more good than harm." In this the Officiating Judicial Commissioner concurs. But doubtless Nagpore has been comparatively fortunate in its Pleaders.

12. Some opinions are against making Pleadership a close profession at all. The Deputy Commissioner of Jubbulpore remarks in this sense. But a free system would probably be attended with greater drawbacks. Pleading might be as good—so inferior is it in some cases now,—but the public would suffer even in a greater degree from the low acts of more numerous mean practitioners. A point of principle would be gained, but the best ground for objecting to Pleaders at all would acquire greater strength than before; and on the other hand the attractions for superior Pleaders would be decidedly less. Without therefore abandoning the present system of granting certificates to plead, endeavour is being made to improve its working. We may not soon have a full corps of good Pleaders practising in the Courts, but we may succeed in raising the proportion of good and lowering the proportion of inferior men embodied in it.

Procedure.

13. As regards the procedure of the Courts it may be said to be, on the whole, and as regards technicalities and points of form, very correct. It has been so for at least two or three years past. And, so far, good procedure may be regarded as firmly established. The set of forms prescribed at the close of 1868 has here been of good service. Unless the Courts are fully supplied with proper forms, good technical procedure can hardly be looked for. In discretional matters there will of course be always some room for improvement dependent on individual intelligence and an experience whose beginnings are in the nature of the case constantly being renewed. But endeavour has been made in various ways to improve what, in contradistinction to technical procedure, may be termed system, by making proceedings more precise, getting rid of surplusage and economizing labour; and the success that has attended this endeavour is attested by the circumstance of fully worked Courts maintaining and increasing their efficiency under a stress of business much greater than before.

System.

Machinery of the Courts.

14. The machinery of the Courts has undergone some important improvements in the course of the year. A Code of instructions for District Clerks of Court was promulgated. Nazirs' duties were reduced to system. And by a series of measures the process serving department was made more efficient, while at the same time its cost was considerably reduced. Naib Nazirs were found to be necessary in some places; and, on the other hand, when the work was subjected to an intelligible test, it was found that some Courts maintained even more than double the necessary number of servers. The surplus* was got rid of, and, by a system of grades, the position of the remainder was improved.

* Previously 935 servers were maintained. The present number is only 691. The saving effected is upwards of Rs 20,000 per annum

State of the Court-rooms.

15. The interior arrangements of the Court-rooms have been improved during the year. Some further improvement is yet required. This will, it is hoped, be now effected. For furniture and fittings there has been some difficulty, real and supposed, about funds. But there is in some places the greater difficulty of design. A general

design requires adaptation to different circumstances. This needs more care than is sometimes given. Effort then partially fails. Sometimes it is altogether shrunk from, and the remoter difficulty of funds takes undue prominence in the account of delay. The Officiating Judicial Commissioner continues his endeavour to secure that the externals of justice shall—as expressed by the Deputy Commissioner of Jubbulpore—be no longer "open to the reproach of being repellant or mean."

Accommodation for suitors.

16. The following remarks by the Deputy Commissioner of Raepore state a want in respect of accommodation for suitors which is perhaps very generally felt.—"In connection with our Courts the want of accommodation for suitors and others in attendance is perhaps more felt than we can readily realise—an open verandah exposed to the hot winds in summer, and to the beating in of the rain during the monsoon months, is often the only accommodation available, occasioning an amount of discomfort which it would be well if possible to remove. There are no doubt difficulties in the way, but a separate room for parties attending our Courts is a convenience, which if supplied would unquestionably be appreciated."

Law libraries.

17. Last year it had to be reported that the Courts had remained insufficiently furnished with copies of the laws which govern their general proceedings, as well as Circular orders, rulings, and law books. The Officiating Judicial Commissioner is glad to report that deficiencies in this important respect have now, for the most part, been everywhere supplied, with advantage to the presiding Judges.

18. The Office of Judicial Commissioner was held by Major Mackenzie throughout the year.

B.—The extent and character of Litigation.

Regular suits.

19. The business of the Courts continues to increase. It increased in 13, decreased in 4, and was stationery in 2 districts. On the whole 62,007 new suits were instituted during 1869, against 56,779 in 1868.

20. The Statement on the opposite page exhibits the progress of Civil business since 1862.

Decreases.

1. Belaspore.
2. Baitool.
3. Hoshungabad.
4. Jubbulpore.

21. The falling off occurred in four districts.* In two it was of a somewhat remarkable character.

Belaspore shows the most striking decrease. The number of suits in 1869 was 2,168 less than in 1868. In most important respects the Belaspore district resembles the adjoining District of Raepore, and in Raepore Civil suits even increased.† The Deputy Commissioner of Belaspore has not failed to explain, so far as it is capable of explanation, this extraordinary lull in the Civil business of his district. His account of the matter is given here in *extenso* :—

	Number of suits.
1868.. ..	3,466
1869.. ..	1,298

	†*Number of suits.*
1868.. ..	1,659
1869.. ..	1,982

"In accounting for the very large decrease in the litigation a short retrospect is, I think, required, for although the late scarcity will no doubt bear part of the burden, I think that other causes have also helped to the result. For the past five years the total number of suits instituted in the Courts of this district has been as follows :—

1864	...	...	...	707 Suits.
1865	...	...	..	1,781 „
1866	...	..	..	2,896 „
1867	...	...	...	3,762 „
1868	...	...	...	3,466 „

STATEMENT showing number of Suits instituted (and re-instituted) in the Civil Courts of the Central Provinces from 1862 to 1869.

Year	Nagpore.				Chanda.	Bhundara.	Wurdah.	Balaghat.	Jubbulpore.				Saugor.			Seonee.	Dumoh.	Mundlah.	Hoshungabad.	Baitool.	Nimar.			Nursingpore.	Chindwara.	Raepore.	Belaspore.	Sumbulpore.	Upper Godavery.	Grand Total.
	District.	City Small Cause Court, Nagpore.	Cantonment Small Cause Court, Kamptee.	Total.					District.	City Small Cause Court, Jubbulpore.	Cantonment Small Cause Court, Jubbulpore	Total.	District.	Cantonment Small Cause Court, Saugor.	Total.						District.	Cantonment Small Cause Court, Asseergurh.	Total.							
1862...	3 349	1 622	1 612	6 583	667	1 750	638	..	1 619	315	504	2 438	2 313	601	2 914	806	760	369	2 016	1 058	...	..	..	2 121	705	1 326	163	345	7	24 866
1863...	3 020	1 436	2 338	6 794	687	1 634	592	..	1 385	1 321	686	3 392	2 380	572	2 952	973	729	201	2 202	1 142	...	..	..	2 691	1 039	820	222	201	35	26 305
1864...	2 647	1 692	1 706	6 045	716	1 692	490	..	1 230	1 683	612	3 525	2 109	1 161	3 270	1 230	859	354	3 183	1 225	4 398	..	4 398	2 542	870	1 221	707	275	42	32 697
1865..	2 974	1 288	806	5 068	649	2 076	927	..	1 734	1 739	455	3 928	2 741	709	3 450	1 343	1 377	563	5 887	1 156	3 354	..	3 854	3 558	1 303	1 573	1 781	695	66	39 254
1866..	3 286	2 330	1 017	6 623	1 021	2 420	1 216	..	1 405	1 636	481	3 5.2	2 988	720	3 708	1 185	1 289	421	5 279	1 194	7 561	..	7 561	3 416	1 345	1 379	2 896	594	163	45 250
1867..	3 390	3 289	1 323	8 002	1 219	2 934	1 893	303	1 685	1 662	296	3 643	2 724	389	3 113	1 263	1 709	380	5 427	1 970	5 541	27	5 568	3 272	1 990	1 406	3 762	592	89	48 544
1868..	4 566	4 060	2 083	10 709	1 636	2 798	3 057	810	1 699	2 052	541	4 292	3 612	559	4 171	1 394	1 631	401	5 494	2 732	6 508	244	6 752	4 125	2 770	1 659	3 466	539	125	58 558
1869..	5 529	4 415	3 454	13 398	2 006	2 814	3 724	925	1 441	1 984	514	3 939	4 052	835	4 887	1 387	1 760	528	5 068	2 354	7 854	293	8 147	4 535	3 340	1 982	1 298	886	159	63 137
Grades and number of Courts at the close of 1869.	Courts of the Deputy Commissioner...			1	1	1	1	1				1			1	1	1	1	1	1			1	1	1	1	1	1	1	19
	Courts of the Assistant Commissioner...			1	1	1	2	1				1			1	1	1	1	3	1			3	1	1	1	1	1	1	24
	Courts of the Tehsceldar			3	3	3	2	1				2			4	2	1	1	2	1			2	3	1	3	2	2	..	38
	Court of Naib Tehsceldars			3	..	..	1	1				1			1	..	..	..	..	1			..	1	..	..	..	..	..	9
	Small Cause Courts, including Registrar's Courts ...			4	..	..	..	...				2			1	..	..	..	..	..			1	..	..	..	..	..	..	8
	Total ...			12	5	5	6	4				7			8	4	3	3	6	4			7	6	3	5	4	4	2	98

and, excluding the Court of the Deputy Commissioner throughout, the following were the institutions in the Courts at head-quarters during those years :—

1864	.. ..	508 Suits.
1865	... ...	1,407 „
1866	... ...	1,978 „
1867	... ...	2,757 „
1868	... ...	2,464 „

being in—

1864	...	72 per cent of the whole.
1865	..	79 do.
1866	...	68 do.
1867	...	73 do.
1868	...	71 do.

"During those years the number of suits instituted in the Courts of the Tehseeldars at Moongeylee and Seoreenarain were as follows :—

	1864.	1865.	1866.	1867.	1868.
Moongeylee	103	165	508	567	552
Seoreenarain	76	207	410	436	447
Total ..	179	372	918	1,003	999

"So that while in these Courts the great increase in litigation took place in the year 1866 (since when the work has remained at about much the same figure), the business of the Courts at head-quarters steadily increased till 1868, when there was a slight decrease, which was attributed at the time to the scarcity which had prevailed during the last six months of the year.

"But even in 1868, taking the first eight months of the year, the litigation was increasing, for while in 1867 the monthly average had been 230 suits, for these eight months the average was 287 suits, and it was only during the last four months of the year that it fell to 42 suits per mensem. It will be noticed that during 1868 the business of the Moongeylee Court scarcely fell off, while at Seoreenarain there was a small increase of 11 suits; and considering therefore that the scarcity pressed most heavily on the Seoreenarain Tehseel, I do not think that the falling off in the Civil business at head-quarters can be safely attributed to the cause then assigned. It is generally a difficult matter to say whether any particular Court is popular or the reverse, but in this district, it being a matter of notoriety, I am saved any explanation of the grounds of my statements. I believe you yourself have heard that Mr. Berressur Dutt's Court was very popular, and it is beyond a doubt that almost all the increase in the litigation at head-quarters was due to his personal qualities. He joined the district in the beginning of 1865, and left at the end of September 1868, and while up to that date the business had gone on increasing, it fell to a monthly average of 42 suits during the last four months of that year, as has already been shown. In my opinion then the decrease in litigation during the past year is attributable to two causes :—

I.—The departure of Mr. Dutt.
II.—Scarcity and visitation of epidemic cholera.

"I found that in the Seoreenarain Tehseel, where the first disturbing cause did not exist, the suits fell to 231, as compared with 447 in 1868, or say 50 per cent, which must be set down to calamities of season alone. I have made considerable enquiry on the subject and I think that in the Station Court two-thirds of the decrease may be set down to the first, and one-third to the second disturbing cause above stated. The actual decrease in the Station Court has been 1,351 suits, as compared with the year 1868, so that *calamity of season* has reduced the litigation in this Court just one-half, the total number of suits instituted during the year having been 613. I think that this is in every way a fair estimate, for the Seoreenarain and Belaspore Tehseels suffered about equally from the epidemic; and while the famine was more severely felt in the former, the money-lending classes generally reside in the latter, and I would therefore consider the effect of the second disturbing cause to have been about the same in both. In Moongeylee there has not been much decrease, which was to be expected, as, although the epidemic was as prevalent as elsewhere, large profits were made during the scarcity, and nowhere almost was the pressure so much felt in this Tehseel as in the other two. I think that during the current year matters will partially right themselves, to which result the promised reduction in the institution fees will doubtless help, but I doubt whether the former numbers of 1867 and 1868 will be reached for some years. And I am the more inclined to this opinion because much of the litigation of those years was not of a healthy nature. In 1867, 18 per cent of the suits in the head-quarters' Courts were presented by one

Mahajun, who having taken a speculative lease for the collection of the Pandhree assessment in the Pandurria Zemindaree, and having failed to collect what he considered his dues, sued indiscriminately in the Civil Courts, when the defendants paid him. Similarly in 1868, 15 per cent of the suits instituted during the first eight months were by the same man and chiefly on a similar account."

The Commissioner of the Division seems to endorse the Deputy Commissioner's explanation.

In respect of Baitool and Hoshungabad the Commissioner offers the following remarks .—

"The decrease of suits in Baitool is not to be accounted for by the cause which Colonel Waddington gives. The Deputy Commissioner of Hoshungabad has entered into a painstaking examination of figures, and seems, on the whole, to conclude that a good deal of the decrease in that district may be owing to the small measure of popularity enjoyed by Moonshee Sheopershad's Court. It is certainly difficult to surmise why such opposite results should have been arrived at (in the way of increase and decrease) as we see in Hoshungabad and Nursingpore, and in Baitool and Chindwara. Supposing the Courts to be all equally popular, one would naturally expect that when there was an increase in Chindwara there would be also an increase in Baitool, and so with regard to Hoshungabad in relation to Nursingpore. It is remarkable that the whole of the decrease in Hoshungabad and Baitool is due to the Station Courts at the respective head-quarters. But even if we suppose (what I am not at all prepared to accept as certain) that Moonshee Sheopershad's Court was unusually unpopular, still we should be at a loss to account for the decrease in the Court of Gopal Rao, who is certainly a popular Judge. On the whole I do not feel myself prepared to assign any positive cause or causes for the decrease in these two districts, I cannot agree with the Deputy Commissioner of Hoshungabad in thinking that mere plurality of Courts at the same place increases institution of suits. It is noticeable that the increase of litigation in Baitool in the year 1868, as compared with the year 1867, was very large, and that the number of suits belonging to the year under report is still greatly in excess of the number in 1867. There may have been some special cause or causes (which have now ceased to operate) for the great increase in 1868, and the decrease this year may have been the natural result."

And in respect of the falling off in Jubbulpore, the Deputy Commissioner submits as follows :—

"The total number of suits instituted has been 3,945, against 4,243 of 1868, or, deducting the institutions of the Small Cause Courts, 1,439 against 1,682. This falling off would call for no remark were it not for the fluctuations which underlie it. The institutions of the first two quarters were considerably in excess of those of the corresponding quarters of last year, but in the third quarter there was a fall from 433 to 321, and in the fourth a still further decline, the figures being 420 and 195. Again there has been a diminution in Station Court institutions in every quarter, the decrease being more and more marked towards the end of the year. Had it not been for the falling off in the Sudder, the total institutions of the year would have exceeded those of last year, for taking all four quarters together there has been an increase in Tehseelee suits. Regarding the decrease in Sudder Courts, I have already submitted a report, and have there shown that it was due partly to general causes which affected the Tehseelee and Small Cause Courts also, and partly to special causes. I need not recur to them again. The general causes have been all more or less connected with the famine. The first result of the scarcity was an increase of litigation in the first two quarters, but after that other causes came into play. In very many cases the obvious poverty of debtors prevented suits; in others, debtors of whose ultimate solvency there was no doubt renewed their old bonds and took new advances. Something too is to be set down to the effect of agricultural operations in keeping people at their homes. Last autumn they had but little to do, but this year reaping and ploughing have taken up all their time. How much this was the case could be seen at the Bheraghat fair, which was this year as empty as last year it was full. Add to the above that the autumn of 1869 was one of unexampled sickness, and I think that the paucity of institutions has been satisfactorily accounted for."

The special causes of the decrease were detailed in a special report on the falling off of business which the Officiating Judicial Commissioner called for in October last. It was then reported that a feeling of soreness and irritation had sprung up in the minds of the trading classes because the Court of the Assistant Commissioner in its decrees refused to allow exorbitant prospective interest, and

was careful not to exceed its powers in executing old decrees, and moreover discouraged malpractices on the part of certain Pleaders; and parties deferred instituting suits apparently in the hope that after a time the Court would relax its procedure. The Deputy Commissioner and the Commissioner claimed that the action of the Court was on the whole creditable. And although it is to be regretted that soreness and irritation were occasioned, this may not have been wholly avoidable. In the Courts of the old Saugor and Nerbudda Territories something like a league between the Judiciary and usurers had become established. When interest was awarded in a decree it was given at usurious rates. Whether it was awarded in the decree or not it was often illegally allowed at the time of executing the decree; or the decree would drop out of sight in favour of a fresh engagement on new and ruinous terms entered into to avoid summary execution; and this engagement would be enforced instead of the decree without due reference to the Court's general powers or (sometimes) to the Limitation Law. Then it was no object of the judgment creditor to enforce full payment. He lived by interest, and only cared to execute so far as to keep up that income from interest of which, by the favour of the Courts, he had become permanently assured. Applications to execute were made for form's sake only to save the Limitation. The Limitation Law was interpreted wrongly in favour of judgment creditors. Partial execution, both of decrees and of obligations which were not decrees, went on for years; costs accrued on each execution, and further interest on costs. In 1867 the Courts were reminded that they should not ordinarily award interest approaching the amount obtainable in common dealings by persons who had not the security of a decree of Court to enforce payment, and that no inducement should be given to decree-holders to allow their decrees to remain unexecuted; and it was suggested that interest after decree should not be ordinarily awarded at a higher rate than 6 per cent per annum. And as occasion offered, the practices of executing for interest after decree where no interest had been ordered in the decree, of summarily enforcing engagements come to by reason of the decree in lieu of the decree itself, and of granting executions legally barred by the Limitation Law, have been corrected by Appellate Courts and Circular instructions. Accordingly the original Courts are now stricter. Hence some dissatisfaction on the part of a number of those who contributed most to the business of the Courts. One of these recently represented that with the support of the Courts he had grown rich by agricultural loans. He lived in a small village in the neighbourhood of his customers. He had no other dealings like city traders. What was he to do now that the Courts withdrew their support? He could not live on 6 per cent, and must close his business. Doubtless persons of this class must feel the change. But that the new is a more healthy order of things than the old is indisputable.

22. Passing to the districts* in which business has continued to increase the more remarkable instances of increase are the following:—

Increases.

* 1. Nagpore.
2. Chanda.
3. Wurdah.
4. Balaghat.
5. Saugor.
6. Dumoh.
7. Mundla.
8. Nimar.
9. Nursingpore.
10. Chindwara.
11. Raepore.
12. Sumbulpore.
13. Upper Godavery.

The business in the Courts of the Nagpore district increased 26 per cent. It has doubled since 1866. The increase for the year in the Cantonment Court of Small Causes at Kamptee alone was 66 per cent. As already mentioned (para. 6) it was necessary to add a Registrar with judicial powers to this Court.

In the Wurdah district the business was one-fifth as large again as it was in 1868, double what it was in 1867, three times what it was in 1866, four times what it was 1865, and five times what it was in previous years.

In Nimar too the way in which business keeps up is remarkable. Contrasted with other districts it is quite disproportionate to the population.* The Chief Commissioner will doubtless keep this in view in the postings of officers. Heretofore, as appears to have been duly represented to the Chief Commissioner, Nimar has been rather short-handed.

*District.	No. of suits.	Population.
Jubbulpore ..	3,939	620,201
Saugor ..	4,887	498,642
Hoshungabad ..	5,068	421,418
Nursingpore ..	4,535	336,796
Nimar ..	8,147	194,000

Another district in which the increase of business has been considerable is Chindwara. It is one-fifth more than it was in 1868, and nearly three times what it was before 1867. This district has a well peopled tract adjacent to the Nagpore district, and forming part of the Nagpore country proper.

23. Seeing how business increases in Nagpore, Wurdah, and even Chanda, it seems strange that business should remain, as it has remained for three years, stationary in Bhundara. It is also stationary in Seonee. The Commissioner of Nagpore is so struck with the case of Bhundara that he has directed certain special enquires to be made, and promises to communicate the results.

24. The measures proposed or taken to meet the increasing stress of business have been duly mentioned when treating of the Tribunals (paras. 5, 6, 8 and 10).

Causes of increase.

25. The causes of increased litigation are variously given.

Nimar.

The detailed explanation given by the Deputy Commissioner of the large and increasing amount of business in the Nimar District is worth quoting. Captain Forsyth writes as follows :—

"Nimar with its population, according to the census, of no more than 194,000, has for years had a greater number of Civil suits than any other district except Nagpore, and in one year even more than the latter district. No single cause can account for this, but I think there are circumstances which taken together go far to furnish an explanation. Firstly I would remark that Nimar is a far older district than any other in the Province :—older I mean as a complex social fabric in which nice conflicting interests are likely to require adjustment. The basis of the population (excluding the aborigines, who "don't count" in such a question) is a stratum of Rajpoot classes with their ancient feudal ideas still in a manner surviving, and clinging with a most extraordinary tenacity to every right they possess, or suppose they can recover. Overlying them are the immigrants introduced during Mahomedan rule, and holding what was once the estate of the Rajpoots by tenures entirely born of Mahomedan land law. It would require a fuller description than I can give here to explain the strength of the feeling of property which the Wuttundars possess in the numerous personal rights and fragmentary interests which are all that is now left to them of a fully developed, though now obsolete, system of landed property. The recent Settlement has fully defined these various and complex interests, but the result has been that a very much larger number than in most districts of subjects for litigation has been—I cannot say created, for they existed before, but—rendered tangible as it were by the Courts. Again, though the population of Nimar is so small, a much larger proportion of it is non-agricultural than is the case with the rest of these Provinces. Only twenty-five per cent of the population are agricultural. This means that 75 per cent are in some way or other living by professions and trades, and therefore having monetary transactions and contracts which may result in suits. Nimar is the centre in fact of three considerable lines of through trade, namely, that between Bombay and Malwa, Bombay and the Upper Nerbudda valley, and the Upper Nerbudda valley and Malwa. Though most of the great houses in whose hands the bulk of this trade is, have their "principal places of business outside the district", yet their agents mostly reside or travel here, and most of the commercial engagements are entered into within the jurisdiction of Nimar Courts. Again, I believe that the population of Nimar is very rapidly increasing by emigration from the Lower Nerbudda valley and the Bombay districts; and also that a large extension of cultivation and improvement of the land is going on chiefly by the agency of borrowed capital, which gives rise to money contracts and suits. In fine, Nimar being socially more advanced than most of the other districts, the element of credit has more play in the transactions of the peo-

ple than elsewhere. But I think that to this must be added something for the litigious habits of the people. They may be said to have been educated into the habit of going to law. When the district was under the administration of the political authorities law was brought to the very door of the whole population. Besides a Sudder Ameen and three Deputy Collectors, the District was sub-divided into pergunnahs, each of which was furnished with a Kamashdar (Tehseeldar with Civil powers). Each pergunnah was again subdivided into Tuppas with a Mahalkurree (Naib Tehseeldar) and a Karkoon having smaller Civil powers. Appeals lay from the latter to the former, from the former to the Deputy Collectors, and from them and the Sudder Ameen to the Political Agent. Altogether in the year before the transfer to the Central Provinces there were twenty-six Courts within the present limits of the District having powers as noted in the margin.* Litigation cost nothing for a long time, the Stamp Act having been introduced only in 1860. The same causes will in a measure account for the increase during the present year. Both trade and a confirmed habit have a tendency to grow. Trade has grown since the former year, as shown by the recorded statistics. The circumcumstances of the people have been also a good deal worse than last year, food having ranged 25 per cent higher in price. I think that this must certainly have led to a difficulty greater than usual in meeting engagements, and consequently an increase in the number of suits."

* 1 Political Agent, powers unlimited.
1 Sudder Ameen, do. do.
3 Deputy Collectors, do. do.
7 Kamashdars, up to Rs. 100.
7 Mahalkurrees, up to Rs. 50.
7 Karkoons, ,, 16.
26 Courts.

For Chindwara the Deputy Commissioner explains the causes of the increased business as follows :—

Chindwara.

" This increase of 573 suits is attributable to more than one cause which has affected more or less the number of suits instituted during 1869, and which has also been at work year after year for some time past, or say since 1864. There can be little doubt that the rate at which the cost of the necessaries of life has steadily increased year by year has thrown the very poorer classes into the hands of money-lenders, and that in consequence the actual amount of general indebtedness has become greater. The fact also that the increase of litigation is principally in the class of petty suits seems to prove this. The past hard season too has had its influence I believe on the lenders as well as the borrowers, and in consequence in many instances recourse may have been had to legal measures, which in a better year might not have been the case. Something may also be attributed to the increased facilities which our Courts now offer for the disposal of suits; and litigants in general prove by the greater readiness with which they resort to the Courts that they endorse the proverb " *Bis dat qui cito dat.*"

To this however the Commissioner of the Nerbudda Division adds ;—

" To whatever extent the other causes may have been operating, it is certain that Major Playfair's capital management and supervision of his Courts leaves little to be desired by the public, and that in this district, as much as in any, the convenience of suitors is made an object of the importance which it deserves."

The Deputy Commissioner of Raepore gives the following reasons for the increase and decrease in his district :—

Raepore.

" In point of fact, however, the suits instituted have risen from 1,639 in 1,868 to 1,948 in 1,869, or an increase of 289 cases. In only one Court have the suits fallen off as compared with the preceding year, *viz.*, in the Simgah Tehseel, where there have been only 116 institutions, compared with 224 in the previous year. This is the northern Tehseel of the district where the scarcity at points was so great as almost to amount to famine, and as the claims here brought into Court are chiefly by Malgoozars against villagers for petty debt, the prevailing distress, with the knowledge that in so many instances there was nothing to realise, had only a natural effect in largely diminishing litigation. Taking the whole district, however, as I have observed, there is an increase of 289 suits instituted. The increase is mainly in the business of the Civil Station Court at head-quarters, and here the increase has been greatest in the fourth quarter of the year, when the bumper khureef harvest offered to impatient creditors an opportunity of successfully enforcing their legitimate claims. That notwithstanding the depression of trade there should be an increase at all, is probably in great part due to the promptness and despatch in the disposal of business resulting from the regularity of the system of Civil Court Procedure, as administered by one special officer set aside for this work."

And the Deputy Commissioner of Balaghat explains how grain dealers hasted to get decrees while prices were high.

These are the best accounts given in the reports of the causes of the increase of business. There is also a *general* concurrence of opinion that it is owing partly to the greater regard for public convenience which the Courts now have in the conduct of business. The subject nearly affects not only the comfort of litigants but also the expenses personal as well as Judicial incurred by them during the course of litigation, and the measures taken* have not only been appreciated by suitors, but they have enabled the Courts to dispose of the yearly increasing business with comparatively small extra exertions. Until the machinery of Court practice is simplified and put in smooth working order, the presiding judges cannot work with due ease and precision.

* See Judicial Commissioner's instructions in Book Circulars VII., VIII., IX., XIII., XV., XX., and General Circulars 2, 9, 12, 24, 32, 33, 34, and 35, of 1869.

It would however appear from the following remarks by the Commissioner of Nagpore that, in the adaptation of Court practice and the surroundings of the Courts to the ways and wants of the people, there is still room for advance in some Courts of the Assistant Commissioner. The Commissioner writes,—

"Most of our Civil Courts are fairly accessible to the public. All the sub-divisional Courts, are extremely accessible and open to all comers. So far as structural arrangements go, the District Courts, where there are regular Court houses, as at Bhundara, Chanda and Wurdah are accessible and convenient. At one Court only did I find the presiding judge sitting in a Court room with both his doors sealed up by tatties; so that any parties who wanted to come before him, had to filter through the English and the Vernacular offices. Such cases are, I am glad to think, very rare. But our European officers should, I think, keep in view the circumstance that, though suitors in heavy cases may prefer to come before a European judge the parties in petty cases seem to find the sub-divisional Courts more accessible and more comfortable."

It is however certain that, as already remarked, the detailed practice of the Courts is now conducted with a much greater regard to the convenience of the public than it used to be. And the Officiating Judicial Commissioner believes that instances of thoughtless disregard of public convenience are now rare. Upon this of course depends, in a great degree, the popularity of the Courts.

Value of suits.

26. The following Table shows the proportion and average value of suits according to the prescribed classification of Statement B. 7 :—

		Number of suits.	*Percentage of suits.*		*Average value.*
Suits not exceeding	Rs. 5 in value	5,774	9·3	Rs.	3
Do.	„ 50 „	42,021	68·	„	21
Do.	„ 100 „	7,807	12·5	„	70
Do.	„ 500 „	5,714	9·	„	188
Do.	„ 5,000—754		·	„	1,200
Do.	„ 10,000— 20	791	1·2	„	6,628
exceeding	„ 10,000— 17			„	25,200
		62,107	100		64

The difference in average value in the several districts is not so material as to call for remark. In Nagpore (excluding Small Cause Courts) it is Rs. 130. In Jubbulpore Rs. 99. In Hoshungabad 95. But in all other districts the average keeps nearer the general average of Rs. 64 as above, ranging from Rs. 36 in Sumbulpore to Rs. 86 in Nursingpore. The remarks of the Deputy

Commissioner of Raepore accounting for the generally petty nature of litigation are more or less applicable to every district in these Provinces :—

"Among the people generally the amount of personal property possessed is extremely limited, while real property in the interior acquires but slowly a tangible market value. Such circumstances essentially affect credit, and necessitate a characteristic pettiness in almost all the money transactions of the people. Large dealings as a rule are confined to the traders in Raepore itself, and when disputes occur among this class, they are very generally settled by private arbitration, suits being limited to those transactions where it is necessary to arrange for realization. This reference of so many mercantile suits to arbitration does not apparently arise from any want of confidence in our Courts; but to the fact that greater mutual convenience results from this mode of settlement. It is only when an open rupture has occurred, and no terms are possible, that an appeal is made to our Courts, and such instances are the exception, not the rule."

Description of suits.

27. There is no change in the general character and descriptions of the claims in suits. Statement B. 6 shows just what it showed for 1868; that out of every 100 claims 89 are for money due on contract. More than one-half of all the suits are for Bond debt, 13 per cent are for simple debt, 5 per cent for personal property or its value, and only a very small percentage of the claims are of a different nature. As aptly remarked by the Deputy Commissioner of Raepore, the recent Settlements have disposed of most of the causes of dispute regarding land, and the universal respect paid to caste authority operates in a large measure to keep claims for personal injury out of Court.

Costs.

28. Costs in the main have not altered. But a slight impression—very important however in the smaller causes—has been made on the small margin of costs, which alone is in a degree controllable by the Courts; by inducing greater economy in the service of processes, taxing writing charges, foregoing superfluous applications and copies of decrees in execution cases, and regularly refunding stamps in compromise cases. But the aggregate of costs is made up mainly of well known fixed charges which are uncontrollable by the Courts, and need no detailed comment here. These will now be diminished under the "Court Fees Act, 1870." And it will be possible to provide for a further reduction in the rules now being prepared under the Court Fees Act in reference to the service of processes. The large reductions effected in the process serving establishments have been adverted to in para. 14 of this report, and the fees now amount to about double the cost of the service. It will accordingly be possible to give considerable relief to litigants under this heading of fixed costs.

C.—The General distribution and results of the Trial of Civil Suits by the Courts of original Jurisdiction.

Distribution.

29. *Statements* B 8 *and* II.—The business was distributed in the following proportions :—

	Total number of Suits instituted and re-instituted.	*Proportion per cent.*
Small Cause Courts	11,495	18·
Courts of the Tehseeldar and Naib Tehseeldar	29,517	47·
Courts of the Assistant Commissioner...	21,945	35·
Courts of the Deputy Commissioner ...	180	0·
Total ..	63,137	100

30. Adding 1,938 cases pending from 1868, and deducting 1,925 cases remaining on the files at the close of 1869, 63,150 suits were disposed of in the following proportion (Statement II., columns 5-14) :—

Results.		Proportion per cent. 1868.	1869.
I.—(a) Withdrawn, transferred, or struck off without trial or decree		22·	24·
III—Uncontested (but decreed) —			
Decreed (b) *ex parte*		11·6	14·
„ (c) by confession		36·	30·
„ (d) by compromise or consent		99·	10·
„ (e) by arbitration		·6	1·
	Total ...	57·2	55·
III.—Contested—			
Decreed (f) for plaintiffs in whole		97	10·
„ (g) for plaintiffs in part		5·9	6·
„ (h) for defendants		5·2	5·
		20·8	21·

The whole of the above detail may not in its relative proportions be quite reliable. It has been found that the Courts have not been uniformly guided in ranging their suits under the several headings of disposal. A glance at Statement II. will suffice to show this. Upon the whole it may be said that headings (a) and (c) include some cases which would be more properly ranged under heading (d). Again, it may be safely alleged that many cases are ranged under the several headings of Divisions I. and II., which more properly appertain to Division III. Full instructions however have been issued which will secure uniformity and correct practice in future. For the present the chief contrast which is possible is that which lies between cases ranged under Division III. which were contested to the last, and in which the parties depended entirely on the judgment of the Court, and those cases which, whether partly contested or wholly uncontested, are ranged under Divisions I. and II.; and here we find that the proportion of these contested cases remains low. The small proportion of suits decided for defendant (h) may also be noticed. As the bulk of the cases which go in defendant's favour would appear here, it may be inferred that the proportion of groundless claims remains favourably low.

The three headings (a) (c) and (d) if taken together (separately they have not accurate value) show a proportion of 64 per cent of cases terminated in some measure according to mutual arrangement or the free will of the parties themselves. The general explanation seems to be this; suits of low value largely preponderate, their institution often suffices to compel payment, and the refund of Stamp duty has operated as an inducement to compromise. The difference in the proportion of suits thus disposed of in some Courts as compared with other Courts is however a little remarkable. For instance, it is difficult to account for the difference of 20 per cent which relatively appears in the Small Cause Court at Nagpore and the Small Cause Court at Kamptee.

(b) (c) The proportion of *ex parte* decrees has slightly increased. In the Cantonment Small Cause Courts, whose territorial jurisdiction is specially limited, the proportion is only from 6 to 9 per cent. In those Courts defendants may seldom allow their suits to go by default. In some districts* also the proportion is low. But in other districts† it is high. Also the Nagpore Small Cause Court shows a proportion of 20 per cent. The difference between this and the propor-

	Per cent.
* Nagpore	10
Dumoh	10·
Baitool	10·
Chindwara	8·
Sumbulpore.....	8·

	Per cent.
† Hoshungabad.....	25·
Nimar	17·
Lasepore	17·

tion in the Nagpore District Courts, as well as some of the differences between districts, are at first sight remarkable. But after referring to the detailed Statements and reports it would appear that, generally, *ex parte* decrees will be few as decrees on confession are numerous, and *vice versa*. And their relative proportions depend partly on the distance of the Courts from the people, and partly —perhaps chiefly—on the degree in which defendants understand their attendance on summons to be optional. On this head it may be noted that instructions were given which have led to the issue of fewer warrants for the attendance of absenting defendants, and several reports state that the effect of this has been good. The Officiating Judicial Commissioner indeed believes that the compelling of a defendant's appearance under a warrant of arrest is but seldom needed.

Arbitration cases have slightly increased; but, as repeatedly explained, it may not be expected that they will ever be very numerous.

Pending suits.

31. There were 1,925 regular suits pending at the close of December. Of these only 8 suits had been pending for periods exceeding three months and 1,781 were instituted in December The largest numbers were pending in the Nimar Courts The illness of one of the judges in December partly accounts for this. On the whole the files are kept reasonably clear, and the further consideration of the subject may be properly taken up in conjunction with the next point in the Statement, which is that of Duration of Suits.

Duration of Suits.

32. It will be seen that the average duration was 10·8 days in uncontested, and 20· days in contested cases. This is a good average on the whole. It would however have been better but for the dilatory proceedings of some Courts, particularly the Court of the Assistant Commissioner at Nursingpore. and several Courts in the Saugor district. The duration of suits in the Small Cause Court at Kamptee was also exceptionally prolonged. In that Court business increased so suddenly and to such an extent, that until a Registrar with Judicial powers was sanctioned, the work could not be overtaken with usual speed. The duration in the other Courts of Small Causes is as short as usual—from five to thirteen days. The duration in the ordinary Courts was best in the Dumoh, Mundla, Chindwara and Raepore districts. In some Courts contested cases are a shorter period on the files than uncontested cases. This is owing to the bulk of the contested cases being between parties resident in the town where the Court is held and therefore capable of ready disposal.

Number of hearings.

33. In former years the institution of the suit was counted as a hearing. From 1869 it has been excluded from the reckoning, and now the average number of hearings in each disputed suit stands at two. It should be rather less. In the Courts of Small Causes it is little more than one, which is of course as good as possible.

Special services of Judges.

34. In concluding these remarks on the distribution and results of the trial of suits the Officiating Judicial Commissioner would invite the Chief Commissioner's attention to Statement VIII., which shows the amount of business disposed of by each presiding Judge. The Chief Commissioner will doubtless observe how conspicuous have been the services of Extra-Assistant Commissioner Mahomed Zein-ool Abdeen Khan, at Khundwa. In eleven months this officer disposed of 3,277 regular suits, besides 1,627 cases of execution of decree. Fearing that the business of his Court was too much for one officer, the Officiating Judicial Commissioner in the middle of the year called for a special report, and found that although the work was excessive and required to be more equally shared by the Court of the Assistant Commissioner, yet it had upon the whole been creditably performed. It exceeds by a third the work of any other Judge in these Provinces, and seems to

deserve special acknowledgment. The Officiating Judicial Commissioner would further notice the work of Extra-Assistant Commissioner Moonshee Bukhtawur Singh at Nagpore. The Nagpore business is perhaps of a slightly more difficult character than in some Courts, and has given full employment to the Extra-Assistant Commissioner. Two Tehseeldars also have done exceptional service in this Department, *viz.*, Mahomed Ali at Hurda and Govind Rao at Boorhanpore. They are commended to the Chief Commissioner's favourable notice.

D.—The Appellate Business.

35. *Statement* III.—It will be seen that appeals continue to be comparatively rare. Taking Regular and Miscellaneous together there were 198 appeals pending at the beginning of the year, and 1,660 were instituted during the year in the several classes of Courts as follows :—

In the Court of the Judicial Commissioner	..	116
„ Courts of the Commissioner ...	...	666
„ Courts of the Deputy Commissioner	..	878
Total	...	1,660

In two Courts the state of the appellate business gave anxiety during the year. One of these was the " Court of the Deputy Commissioner" at Saugor. But in this Court arrears were cleared off and regularity introduced before the close of the year by the new Deputy Commissioner. The other was the " Court of the Commissioner" of the Jubbulpore Division, and the state of business in this Court still engages attention. In all other Courts the business was promptly disposed of. Appellants were partly or wholly successful in about one out of every three appeals.

E.—Execution of Decrees.

General stress of execution business.

36. *Statements* B 10 and IV.—The ratio of increase in the work under this head keeps pace with that of original suits. 34,122 applications for execution of decree were filed against 31,827 in 1868. It thus appears that the relative numerical proportions of regular suits and execution cases are as 2 to 1. And when the work of a Court is estimated, due weight has to be given to the execution of decree business. In some Courts, especially in some of the Courts which have succeeded to the duties of the old Saugor and Nerbudda Courts, execution of decree business gives more trouble than regular suits. Considering the number of regular suits withdrawn, struck off in default and compromised, the proportion of execution cases seems full. But against this it has to be noted that more than one application for execution frequently refer to the same decree, 27 per cent of the applications being partially executed, and again about 35 per cent of the applications terminate without any execution being actually enforced.

Sales of land.

37. The Officiating Judicial Commissioner's sanction to sale of land in execution of decree has been granted in 71 cases, chiefly appertaining to the Nagpore, Wurdah, Jubbulpore, Nursingpore and Nimar districts. In several instances only small holdings were to be sold. If a judgment debtor has no other property, his land must be either alienated for a sufficient time or sold. Collectors are sure to recommend alienation when it would be reasonably effective for the payment of the decree, and the Courts always give such recommendation full consideration. Accordingly when cases of the kind are reported to the Judicial Commissioner option, rarely exsists, sale has to be sanctioned almost as a matter of course.

38. 922 persons were imprisoned in execution of decree: The number in 1868 was larger, *viz.*, 997. The decrease in 1869 is satisfactory. The Courts however can control this matter only so far as it may be possible for them to explain the provisions of the Law of which every arrested judgment debtor if he desire to avoid imprisonment may take advantage. The Deputy Commissioner of Raepore attests the necessity of this in the more backward districts. In the Dumoh district no less than 114 persons were imprisoned chiefly on verbal applications for executions under Section 13, Act XXIII. of 1861. It might have been expected that in some of these cases, some period of grace might have been arranged for.

Imprisonments.

39. One proof of the stricter procedure now followed in executing decrees has been already instanced in para. 21 above. The Officiating Judicial Commissioner believes that during the last two years there has been marked improvement in this branch of the business of the Courts. It is of course not held that the procedure in relation to execution of decree cases need ever be such as to produce "soreness and irritation." But firstly it must be strictly legal, and secondly it should be precise. In both respects there has been marked advance, and a good standard may be said now to prevail. The revision of the process serving department which was affected during the year has been already noticed (para. 14). It included the creation of a superior class of servers for employment in the more difficult processes in execution cases.

Improved practice in execution business.

40. Recently an important reduction has been ordered in the costs of execution. Formerly a commission on the sale of attached property was allowed at the uniform rate of 5 per cent on the proceeds sale, without reference to the character of the property sold and the actual expense incurred in selling it. This rate was both excessive and unequal. It has now been reduced to the rates noted in the margin.*

Reduction of charges in execution cases.*

* Class of property sold.	Commission charges allowable (on absolute sales only.)
I.—Negotiable securities, shares, &c.	Current brokage, *plus* any further actual proper expenses.
II.—Immoveable property.	Rs. 1-9-0 per cent on sale proceeds, with a maximum limit of Rs. 32 on account of each sale separately ordered by the Court; or in case the actual expenses properly incurred exceed Rs. 32, then those expenses audited by the Court.
III.—Moveable property and debts,	Rs. 3-2-0 per cent on sale proceeds, without limit.

41. This complotes the detailed remarks which seem necessary on the administration of Civil Justice for 1869, as exhibited in the Statements. The following points may, in conclusion, be summarized. The tribunals have slightly increased in strength. The single Court system has been advantageously maintained and consolidated. The imperfect distribution of business among the Courts at Nagpore and Jubbulpore, the insufficient status of Naib Tehsceldars exercising Judicial powers, and the system of admitting certificated Pleaders, have been brought under special review. Good procedure has been further facilitated. System and the machinery of the Courts have been improved. The furniture and fittings of the Court rooms have been to a large extent renewed. Law libraries in each Court have in most places been formed. Business generally increased, in some places very largely. In a few places from special and explained causes it decreased. Its general tendency still appears to be towards an increase. The value of suits remains low, and they are mostly of simple kinds. Results of trial correspond to the character of litigation, being in a comparatively small proportion preceded by full contest. Disposals by arbitration have slightly increased. The files are reasonably clear. Durations continue to be in general nearly if not quite as short as can be expected

Conclusion.

or desired. Appeals continue comparatively few. The conduct of appellate business was faultly in two Courts. In all others it was prompt and effective. The business connected with execution of decrees has been conducted with stricter legality and greater efficiency. Controllable costs have been sensibly reduced by several important measures.

As regards the administration then of Civil Justice, the Officiating Judicial Commissioner submits that in no respect where advance was conspicuously needful have we stood quite still, and that in several important points there has been sensible improvement. In an administration where executive and judicial functions are combined, there will be always some officers who find a difficulty in apprehending that the duties of a Civil Judge ill bear fusion with the miscellaneous engagements of an executive officer, And in such cases a constant defence of the former againt an habitual intrusion of the latter has to be kept up by supervising judicial authorities. Under a comprehensive code of procedure there can—judicially considered—be no satisfactory compromise between good work and bad; therefore, to be well done, Judicial work must, in its time and place, have precedence, its machinery must be complete in itself and act with precision. Evidences, however, are not wanting that this is more fully recognized now than before. They have come prominently under the Officiating Judicial Commissioner's own notice during his tour of inspection. And if Deputy Commissioners and Commissioners will continue to exercise their supervision in the same spirit, then the Officiating Judicial Commissioner believes that about as good a standard will be maintained as may be possible under the administration of these Provinces as at present constituted. The local reports, (to which the Officiating Judicial Commissioner's remarks are added,) and Statement VIII. show which officers have done best. Their services during the year are commended to the Chief Commissioner's favourable consideration.

I have the honor to be,

Sir,

Your most obedient Servant,

T. DRYSDALE,
Officiating Registrar,
Judicial Commr's. Court,
Central Provinces,

JUDICIAL COMMRS'. COURT, C. P.
NAGPORE,
The 25th March 1870.

JUDICIAL STATEMENT B1.

Showing the various Judicial Tribunals, Original, and Appellate, existing in the Central Provinces, on the last day of the year 1869.

Classes of Tribunals, distinguishing those which exercise powers in one Department from those exercising powers in two or three Departments, and those consisting of paid from unpaid Judges.		Number of Judicial Divisions.	Average area of each Division in square miles.	Average population of each Division.	Number of Tribunals.	Constitution of Tribunals, stating number of Judges in each, and Jury or Assessors, if any.	Judicial powers of each Tribunal, Original and Appellate.	Prescribed qualification of Judges previous to appointment.	Total number of Judges. European Covenanted.	European Commissioned Military Officers.	European Uncovenanted.	Native.	Average annual salary of each paid Judge, European.	Native.	Average annual cost of establishment of each Tribunal.	Executive or other functions exercised by the same officer.	Average number of days in the year devoted to Judicial work.	Average number of Advocates attached to each Tribunal.	Number of Cases decided during the year. Criminal.	Civil.	Revenue.	Appellate.
Local and Sub-Magistrates (*a*). Exercising Criminal powers (*b*)	Paid ..	9	...	..	9	A single Judge presides over each tribunal. One of the unpaid Magistrates sat during a portion of the year on the Nagpore City bench of Honorary Magistrates. Jury or Assessors not employed.	Each Judge has, in the Criminal Department, the powers of a Sub-Magistrate either of the 1st or 2nd Class, as defined in Section 22 of the Criminal Procedure Code, and can dispose of all cases which a Sub-Magistrate is competent to try. The Forest Officers, (included in column 5) are restricted in the use of their powers to cases of Breaches of Forest Act, or cases in which their subordinates are concerned.	..	..	*6	*3	..	..	..	...	...	* Five of these Officers are Superintendents of Jails, three are in the Forest Department, and one in the Customs Department.	each of these days.	..	264	..	..	..
	Unpaid	46	502	6,500	63			..	....	..	2	61	..	..	...	..		..	4,848	..	..	..
Do. do. exercising Criminal, Civil, and Revenue powers (*c*) ..	Paid ...	61	1,221	123,813	67	A single Judge presides over each tribunal. Jury or Assessors not employed.	Do. and in the Civil Department, can hear Civil suits up to Rs. 100 300, 500, or 1,000 in value, according to his powers under Act XIV. of 1865 (Central Provinces' Courts' Act), and has the powers in the Revenue Department of a Deputy Collector under the Rent Law (Act X. of 1859, and Act XIV. of 1863.)	..	1	3	6	57	5,520	3,000	,,	These Officers are Tehseeldars (Sub-Collectors) and Extra-Assistant and Assistant Commissioners. They are employed generally in administrative work of the districts to which they are attached.		..	12,471	29,672	..	..
	Unpaid ...	...	...	,,	..			..	..	..	..	..	..	..	...	,,		..	..	..	..	..

Judges exercising Civil powers only *(d)*—paid	9	..		9	Ditto.	Each Judge can hear suits up to Rs. 50 in value under Section 6 of Act XIV. of 1865, (Central Provinces' Courts' Act).	..	..	..	..	9	..	600	..	These Officers are Naib-Tehseeldars.	was hold on	tral Provinces	..	5,074	..	..
Small Cause Courts *(e)*	6	430	78,643	6	A single Judge presides over each tribunal without Jury or Assessor, and there are two Registrars empowered to hear suits up to Rs 20 attached to two Courts	Two Judges have power, under Act XI. of 1865, to hear suits up to Rs. 1,000 in value. Three Judges under Act XI. of 1865 and XXI. of 1864 have power to hear suits up to Rs. 500 in value, one Judge under Act XI. of 1865 and XXII. of 1864 has power to hear suits up to Rs. 50 in value.	..	..	6	..	..	8,800	..	..	Have executive functions, as in the case of three Cantonment and one Assistant Cantonment Magistrate, and of Judge of Nagpore Small Cause Court, who is also Registrar General.			1,470	11,442	..	..
Magistrates of full powers exercising only Criminal powers *(f)* —	21	7	6,000	15	A single Judge presides over each Court. Three of the Magistrates sat during a portion of the year on the Nagpore City Bench of Honorary Magistrates Neither Jury or Assessors employed.	Each Judge has in the Criminal Department the powers of a Magistrate as defined in Section 22 of the Criminal Procedure Code	..	..	*3	*2	10	..	..	..	*These five Officers are in administrative charge of Jails.	290 days, excluding Sundays and Gazetted holidays. Court	55 passed Pleaders in Con-	951	..	..	..
Do. Criminal, Civil, and Revenue powers *(g)*	24	3,347	33,158	45	A single Judge presides over each Court Neither Jury or Assessors employed.	Do. and 19 Magistrates of the 45 entered in Column 5, being Magistrates of districts, have power to hear appeals from the orders of all Sub-Magistrates in their districts. In the Civil Department the Magistrates of districts have power to hear, under Act XIV of 1865, suits of unlimited value, and in the Revenue Department they have the powers of Collectors under the Rent Laws; all other Magistrates can hear suits (Civil) up to Rs. 5,000 in value, and have powers of Deputy Collectors under the Rent Law.	..	5	19	10	11	5,600	3,300	..	These Officers are Extra-Assistant, Assistant and Deputy Commissioners, and the whole administrative charge of the districts to which they are attached rests with the Deputy Commissioner, who is aided by his Assistants and Extra-Assistant Commissioners.			8,755	16,962	..	1,512
Do. Exercising powers described by Act XV. of 1862 *(h)* ..	19	4,748	463,011	17	A single Judge presides over each tribunal, and may be assisted by Assessors.	Under Act VIII. of 1869, these Courts ceased to exist on 1st June 1869. These Judges had power to try all Criminal cases triable by a Court of Sessions, except such as for offences punishable with death, and to punish with imprisonment not exceeding seven years.	..	1	13	3	..	12,000	..	..	These Officers are Deputy Commissioners.			103	..	..	

JUDICIAL STATEMENT B 1.—*(Continued.)*

Classes of Tribunals distinguishing those which exercise powers in one Department from those exercising powers in two or three Departments, and those consisting of paid from unpaid Judges	Number of Judicial Divisions.	Average area of each Division in square miles.	Average population of each Division.	Number of Tribunals.	Constitution of Tribunals, stating number of Judges in each, and Jury or Assessors, if any.	Judicial powers of each Tribunal, Original and Appellate.	Prescribed qualification of Judges previous to appointment.	Total number of Judges.				Average annual salary of each paid Judge.		Average annual cost of establishment of each Tribunal.	Executive or other functions exercised by the same Officer.	Average number of days in the year devoted to Judicial work.	Average number of Advocates attached to each Tribunal.	Number of Cases decided during the year.			
								European.			Native.	European.	Native.					Criminal.	Civil.	Revenue.	Appeal.
								Covenanted.	Commissioned Military Officers.	Uncovenanted.											
Sessions Courts ..	22	20,749	2,002,717	22	A single Judge presides over each Court and is aided by assessors.	These include (1) four Courts of Sessions proper, presided over by Commissioners of Division, and (2) the Courts of 18 Deputy Commissioners invested with the powers of Section 445A., Act VIII. of 1869. The former can try cases of any nature committed to them by a Magistrate, and can award any punishment allowed by Law. They are likewise empowered to hear all appeals from the orders of Magistrates with full powers in all cases in which an appeal is allowed by Law. The latter try, as a Court of Sessions, those offences not punishable with death, which, under the Schedule to Act VIII. of 1869, are triable by a Court of Session only, and are empowered to pass sentences of imprisonment up to seven years.	..	3	16	3	..	15,700	..	..	Four of these Officers are Commissioners of Division, and the administrative business of Divisions rests with them. The remaining 18 are Deputy Commissioners.	..	..	276	..	..	506
Commissioner's Court, Civil and Revenue ..	4	20,749	2,002,717	4	A single Judge presides over each tribunal unassisted by either Jury or assessor.	These Judges have no original jurisdiction, but on the Civil side of their Court hear, under Act XV. of 1865, appeals in all suits in which the value is Rs. 5,000 or more, and they also hear appeals from the decision of Collectors and Deputy Collectors under Act X of 1863 (Rent Act). In the Revenue Department they are Commissioners of Division, and hear appeals from orders of Collectors under Rent Law.	..	2	2	..	..	32,500	..	..	These Officers are also the Commissioners of Division.	..	..	..	..	..	589

Chief Court of Province.	1	..	..	1	Ditto.	Is the Judge of the Chief Appellate Court in Criminal and Civil cases, hearing, on the Criminal side, appeals from the orders of Sessions Courts and, on the Civil side, special appeals from orders passed on appeal by Deputy Commissioners or Commissioners. In Criminal cases it has also the power of revision.	..	1	..	..	..	37,990	..	..	No executive functions.	200 days, excluding Sundays of each of	..	..	..	..	241
Justices of the Peace —	19	3,601	364,924	43	Ditto.	Ditto.	..	..	4	26	14	..	..	..	These Officers are nearly all included in the foregoing entries.		..	43	..	..	..				

(a) The entry in Column 1 shows Honorary Magistrates and Officers in the Forest and Customs Department having Criminal powers of Sub-Magistrates.

The entry in Column 2 shows the number of Judicial Divisions. With regard to Honorary Magistrates, &c., each town or estate in which there are one or more Honorary Magistrates, being considered as one Division, and the Forest Division of each Forest Officer being considered as one Division and added to the number of Divisions for Honorary Magistrates. Thus it cannot be said that the Central Provinces contains so many Divisions in which there are so many Local and Sub-Magistrates, and each place where there are one or more Local and Sub-Magistrates is considered as a Division.

(b) The average area entered in Column 3 has been roughly calculated on the area of the Towns, Estates, Forest Division, &c., of the Officers who hold Local and Sub-Magisterial Criminal powers.

The average population entered in Column 4 has been similarly calculated. The Census Report of the Central Provinces gave the figures on which the calculation was based.

The number of Tribunals entered in Column 5 corresponds with the number of Magistrates or Officers, and this remark applies to the entries in this Column, as each Magistrate or Judge is held to have a separate tribunal.

(c) The entry in Column 1 is applied to Tehseeldars, Extra-Assistant and Assistant Commissioners who exercise in Criminal Department powers less than those of a Magistrate.

The entry in Column 2 corresponds with the number of Tehseels into which the Central Provinces are divided.

The entries in Columns 3 and 4 require no explanation.

Column 5 shows the number of tribunals—each Officer being considered to preside over a separate tribunal, but, although each Officer presides over a Court having a Criminal side, a Civil side, and a Revenue side, the Court is considered as one, not as three.

(d) These Officers are merely Naib-Tehseeldars, exercising Civil powers only.

(e) The returns under this heading have reference to the Small Cause Courts at Nagpore and Jubbulpore, and the Cantonment Small Cause Courts at Kamptee, Jubbulpore, Saugor, and Aseergurh. At Saugor, Jubbulpore, Kamptee and Aseergurh, therefore the Judges also exercise Magisterial powers, but it was considered advisable to show them under Small Cause Courts, and not under Magistrates exercising also Criminal powers.

(f) The entries in these Columns refer to 10 Honorary Magistrates who have full powers, and 5 Jail Magistrates who exercise the full powers of a Magistrate within the limits of their Jails.

(g) The entries in these Columns refer to the Deputy Commissioners of Districts and to Extra-Assistants and Assistants having the full powers of a Magistrate. See remark regarding entry in Column 5 with reference to Tehseeldars, &c., above.

(h) These entries refer to Deputy Commissioners as Officers having the chief executive control over their districts.

STATISTICAL STATEMENT, B6.

STATEMENT showing the Number and Description of Civil Suits disposed of in the Civil Courts of the Central Provinces during the year 1869.

	DESCRIPTION OF CLAIM.		Number of Cases in different Courts.				Total.
			Small Cause Courts.	Tehseeldars and Naib Tehseeldars.	Assistant and Extra-Assistant Commissioners	Deputy Commissioners.	
1	Suits for money due on contract ..	On written obligation for sum certain (bond debt) ..	4 852	16 284	11 632	42	32 810
2		On unwritten do. do. (simple debt) ..	975	4 373	2 579	28	7 955
3		On account stated	1 262	2 478	2 474	14	6 228
4		Money paid or received	109	431	179	1	720
5		Goods sold	2 732	1 486	1 407	21	5 646
6		For breaches of contract not included in above ...	864	428	684	16	1 992
7	Suits for rent		247	138	199	1	585
8	Suits for personal property or value thereof		257	1 685	1 056	5	3 003
9	Suits for damages ..	For injuries to the person attended with direct or actual pecuniary damage	..	38	42	..	80
10		For injuries to property	53	342	233	..	628
11		For defamation	...	25	13	..	38
12		For other injuries not included in above	13	94	106	4	217
13	Suits to compel specific performance of contract		..	63	48	2	113
14	Suits to set aside contracts and obligations on account of fraud mistake or accident ..		..	13	19	..	32
15	Suits to compel or prevent particular acts by way of mandamus or injunction ...		...	19	2	..	21
16	Suits to settle partnership and other accounts		..	73	94	3	170
17	Admiralty and other suits relating to shipping		..	...	...	..	...

18	Suits connected with religion or caste	4	10	5	..	19
19	Suits relating to administration of trusts and religious endowments	..	2	4	..	6
20	Suits relating to marriage, dower, and divorce	7	88	74	2	171
21	Suits to establish or dispute adoption	..	36	5	..	41
22	Suits regarding custody and guardianship of infants and lunatics	..	13	5	..	18
23	Other suits to declare or establish personal rights	.	157	90	15	262
24	Suits to establish or contest wills	...	2	1	..	3
25	Claims to inheritance — Under Hindoo Law	2	12	43	3	60
26	Claims to inheritance — Under Mahomedan Law	..	..	2	..	2
27	Claims to inheritance — Under any other Law	..	1	2	..	3
28	Suits to establish or contest the acts of Hindoo widows	..	8	2	..	10
29	Suits relating to the revenue	..	62	35	11	108
30	Suits relating to mortgage of immoveable property	..	52	111	5	168
31	Claims in right of pre-emption	..	8	17	1	26
32	Suits to resume or assess rent-free lands	..	2	1	...	3
33	Suits regarding the relative rights of superior or inferior holders of land other than rent suits	..	20	1	...	21
34	Suits for partition of immoveable property	..	54	51	..	105
35	Suits regarding boundaries	..	3	30	...	33
36	Suits relating to real property not included in the above	..	363	444	3	810
37	Suits relating to moveable property	..	..	..	..	..
	Total	11 377	28 863	21 690	177	62 107

JUDICIAL STATEMENT B7.

STATEMENT showing value of suits disposed of in the Civil Courts of the Central Provinces during the year 1869.

Value of suits.	Number of suits disposed of in different Courts.				Total value of suits.	Total cost of suits.	Proportion of costs to value.
	Small Cause Courts.	Tehseeldars and Naib Tehseeldars.	District Courts.				
			Assistant and Extra Assistant Commissioners.	Deputy Commissioners.			
In Civil Courts.							
Not exceeding Rupees 5	2,172	2,234	1,345	23	17,582	9,200	52·3
ditto „ 50	7,512	20,967	13,491	51	8,81,305	1,56,943	17·8
ditto „ 100	915	3,927	2,955	10	5,47,610	77,816	14·2
ditto „ 500	741	1,735	3,204	34	10,75,593	1,40,331	13·4
ditto „ 1,000	37	...	..	..	24,689	3,404	13·8
ditto „ 5,000	..	...	695	22	8,77,728	99,213	11·3
ditto „ 10,000	..	..	..	20	1,32,570	11,463	8·6
Exceeding „ 10,000	..	...	..	17	4,28,319	26,650	6·2
Total ..	11,377	28,863	21,690	177	39,85,396	5,25,039	13·2

JUDICIAL STATEMEAT B8.

STATEMENT showing the general result of the trial of Civil Suits in the Courts of original Jurisdiction in the Central Provinces, in the year 1869.

CLASS OF COURTS.	Number of cases on the file.			Cases withdrawn, transferred, or struck off without trial or decree.	Cases in which decree passed.									Cases pending at close of the year.	Average number of days during which each case lasted.		Number of summonses to parties to appear in person.	Number of parties who appeared.	Number of summonses to witnesses other than parties.	Number of witnesses who appeared.
					Without Contest in Court.					Contested cases tried and decided in Court.										
										In favor of plaintiff.										
	Remaining from last year.	Instituted.	Total.		Ex parte.	By confession.	By compromise and consent.	By arbitration.	Total.	In whole.	In part.	In favor of defendant, objector or insolvent.	Total.		Contested.	Uncontested.				
Small Cause Courts ..	255	11,495	11,750	2,582	1,484	3,170	1,373	55	6,088	1,334	780	664	2,778	308	12·1	9 6	20	12	17,542	13,736
Paid Sub-divisional Tribunals ...	734	29,517	30,251	7,146	3,595	10,091	2,887	245	16,818	2,408	1,830	1,319	5,557	730	19·5	6·5	25	16	22,255	18,639
District Courts other than Chief Courts of District ..	938	21,945	22,883	5,595	3,703	5,655	1,826	273	11.457	2,232	1,280	1,439	4,954	880	21·4	12·	21	20	26,381	20,704
Chief Courts of Districts.	11	180	191	28	24	36	6	3	69	33	18	36	87	7	29·6	14·8	3	4	433	430
Total	1,938	63,137	65,075	15,351	8,806	18,952	6,092	576	34.426	6,007	3,908	3,458	13,373	1,925	20·	10 8	69	52	66,611	53,509

This Statement includes 1,130 suits reinstituted in the Courts, which are not shown in Statement B. 7.

STATISTICAL STATEMENT B 9.

STATEMENT showing the business of the Civil Appellate Courts of the Central Provinces in the year 1869.

CLASS OF COURTS.	Cases on the File.			Appeals withdrawn, transferred, or struck off without trial.	Decided on trial.					Cases pending at end of year.	Average duration of each appeal tried.	REMARKS.
	Remaining of last year.	Instituted.	Total.		In favour of appellant. In whole.	In favour of appellant. In part.	In favour of respondent.	Remanded for further investigation.	Remanded for new trial.			
Chief Appellate Court of District	49	797	846	54	174	59	463	25	55	820	27	22	
Superior Appellate Court other than Chief Court of Province — Civil appeals ..	94	464	558	45	64	32	242	5	49	435	123	49	
Superior Appellate Court other than Chief Court of Province — Revenue ,, ..	23	99	122	6	19	5	40	...	9	78	44	42	
Chief Court of Province,—Special Appeal ..	7	39	46	..	14	1	10	1	17	42	4	59	
TOTAL ..	173	1,399	1,572	105	270	97	755	31	130	1,375	*198	56	* Including 13 of those remanded during the year for further investigation.

STATISTICAL STATEMENT B 10.

STATEMENT showing the execution of decrees of the Civil Courts of the Central Provinces in the year 1869.

CLASS OF COURTS.	Number of decrees passed during the year.	Number of applications for execution.			Number of decrees completely executed.	Number of decrees partially executed.	Number of decrees in which there was no execution.	Pending at end of the year.	Number of cases in which specific performance was enforced.	Number of coercive processes in execution.			
		Pending from last year.	Filed.	Total.						Sales of real property.	Sequestrations of real property.	Sales of personal property.	Imprisonments.
Small Cause Courts	8,860	217	5,495	5,712	1,875	1,216	2,383	238	..	..	..	522	149
Local and Sub-Divisional Courts	22,429	895	13,903	14,798	5,375	3,826	4,463	1,134	9	1,369	...	1,779	262
District Courts	16,354	1,296	14,632	15,928	5,810	4,040	5,098	980	120	1,089	..	1,260	506
Superior Courts	156	19	92	111	57	22	25	7	..	13	..	31	5
TOTAL	47,799	2,427	34,122	36,549	13,117	9,104	11,969	2,359	129	2,411	...	3,592	922

NOTE.—Statistical Statement B 11 is blank.

No. III.

STATEMENT showing the Business of the Civil Appellate Courts of the Central Provinces during the year 1869.

In the Courts of the—			Cases on the File.			Appeals withdrawn, transferred or struck off without trial.	Decided on Trial			Remanded for further investigation.	Remanded for new trial.	Total.	Cases pending at the close of the year.	Average duration of each appeal trial
			Remaining from last year.	Instituted during the year.	Total.		In favour of Appellant.		In favor of Respondent.					
							In whole	In part						
1			2	3	4	5	6	7	8	9	10	11	12	13
Commissioners.	Judicial Commr....	Ordinary ..	7	30	37	...	8	1	9	1	15	33	4	67
		Rent Law...	..	9	9	..	6	...	1	...	2	9	..	29
		Misc. ..	2	77	79	74	2	...	1	..	2	79	...	59
	Nagpore ...	Ordinary ...	17	141	158	6	16	16	86	2	17	141	17	44
		Rent Law..	3	34	37	1	6	1	16	...	3	27	10	20
		Misc ..	3	37	40	15	9	...	11	...	3	38	2	21
	Jubbulpore ...	Ordinary ...	65	108	173	8	6	3	71	3	..	94	79	99
		Rent Law..	17	25	42	1	5	1	14	...	...	21	21	76
		Misc. ..	15	40	55	..	2	..	12	..	1	15	40	60
	Nerbudda ...	Ordinary ...	11	188	199	31	32	10	72	..	32	177	22	38
		Rent Law...	3	31	34	4	5	2	5	..	6	22	12	43
		Misc. ...	1	26	27	..	12	..	10	..	...	22	5	27
	Chuttcesgurh..	Ordinary ...	1	27	28	..	10	3	10	...	..	23	5	18
		Rent Law..	..	9	9	..	2	1	5	...	..	8	1	28
		Misc. ..	1	..	1	..	..	...	1	..	..	1	...	64
Deputy Commissioners.	Nagpore ...	Regular ..	4	71	75	5	14	9	46	2	..	74	1	24
		Misc. ..	..	3	3	..	..	...	3	...	..	3	..	43
	Chanda ..	Regular ...	..	30	30	..	5	3	8	..	8	24	6	39
	Bhundara ..	Regular ..	3	28	31	2	7	1	19	..	2	31	...	15
	Wurdah ..	Regular ..	3	88	91	3	21	8	44	...	15	91	..	14
		Misc. ...	...	9	9	..	..	...	6	..	3	9	...	9
	Balaghat ..	Regular ..	...	14	14	2	6	..	5	2	...	13	2	12
	Jubbulpore ...	Regular ..	1	20	21	1	2	3	12	1	2	21	1	15
		Misc. ..	..	5	5	..	1	...	3	...	1	5	..	11
	Saugor ...	Regular ...	20	75	95	4	24	3	62	1	..	93	2	113
		Misc. ..	...	16	16	2	4	2	8	..	..	16	...	95
	Dumoh ...	Regular ..	...	5	5	...	4	...	1	...	...	5	..	13
		Misc. ..	...	1	1	1	..	..	..	..	..	1	..	1
	Seonee ..	Regular ..	3	30	33	2	9	2	15	..	4	32	1	20
		Misc. ..	..	6	6	...	...	1	4	..	..	5	1	8
	Mundla ...	Regular ..	..	2	2	..	..	1	..	...	1	2	...	5
	Hoshungabad.	Regular ..	..	88	88	13	19	4	39	...	13	88	..	17
		Misc. ...	..	2	2	1	..	..	1	..	...	2	...	16
	Baitool ..	Regular ...	2	51	53	4	4	1	31	12	1	53	..	18
	Nursingpore ...	Regular ...	3	134	137	6	30	9	81	4	1	131	10	17
		Misc. ..	3	29	32	5	6	1	17	...	1	30	2	15
	Nimar ..	Regular ..	...	18	18	5	2	1	4	2	2	11	2	14
		Misc. ...	...	2	2	...	2	..	...	...	...	2	..	15
	Chindwara ..	Regular ...	3	86	89	5	15	11	56	..	1	88	1	21
		Misc. ...	...	1	1	..	1	..	...	..	..	1	...	10
	Raepore ...	Regular ...	6	21	27	..	3	1	22	...	1	27	...	17
	Sumbulpore ..	Regular ..	...	22	22	..	7	1	11	1	2	22	..	8
	Belaspore ..	Regular ..	1	12	13	2	1	1	7	..	1	12	1	22
		Misc. ..	..	7	7	6	...	...	1	...	..	7	..	3
	Upper Gody.	Regular ...	..	2	2	..	1	...	..	..	1	2	..	19
	Total...	Ordinary ..	150	1,291	1,441	99	246	92	714	31	119	1,288	154	28
		Rent Law..	23	108	131	6	24	5	41	...	11	87	44	39
		Misc. ...	25	261	286	104	39	4	78	..	11	236	50	28
	Grand Total.....		198	1,660	1,858	209	309	101	833	31	141	1,611	248	31

No. IV.

Statement showing execution of decrees in the Civil Courts of the districts of the Central Provinces during the year 1869.

Districts.	Number of decrees passed during the year.	Number of applications for execution.				Number of decrees completed.	Number of decrees partially executed.	Number in which there was no execution.	Struck off on default.	Number of cases in which specific performance was enforced.	Claims to attached property.		Number of coercive processes in execution.				Pending from—		
		Pending from last year.	Of decrees of past year.	Of decrees of current year.	Total.						Number of cases decided in favour of claimant.	Number of cases decided against claimant.	Sales of real property.	Sequestrations of real property.	Sales of personal property.	Imprisonments.	Over 6 months.	Over 3 to 6 months.	Total.
Nagpore ...	3,795	273	1,089	1,943	3,305	1,284	698	1,073	512	...	317	144	511	12	313	41	1	249	250
City Small Cause Court, Nagpore ...	2,908	84	588	1,831	2,503	927	258	1,215	488	..	75	54	..	..	233	91	..	103	103
Cantt. Small Cause Court, Kamptee ...	3,030	77	637	946	1,660	468	376	738	169	..	29	17	..	...	121	9	...	78	78
Chanda ...	1,460	43	353	60	1,004	475	239	203	203	..	36	38	16	..	184	14	..	87	87
Bhundara ..	2,190	145	816	1,009	1,970	604	624	453	326	...	70	68	233	31	639	19	...	289	289
Wurdah ...	2,195	125	574	1,018	1,717	704	267	636	403	..	57	50	145	..	202	92	...	110	110
Balaghat ...	686	31	128	303	462	196	69	120	34	..	18	8	11	9	45	25	...	77	77
Jubbulpore ...	1,198	123	700	372	1,195	267	349	524	269	30	51	42	153	2	102	8	1	54	55
City Small Cause Court, Jubbulpore ...	1,507	40	362	530	932	209	388	291	291	..	17	13	..	..	127	12	..	44	44
Cantt. Small Cause Court, Jubbulpore..	473	9	86	187	282	114	117	44	31	..	3	3	...	..	21	24	..	7	7
Saugor ...	3,616	183	1,434	848	2,465	630	827	880	192	..	77	130	258	763	89	63	..	128	128
Cantt. Small Cause Court, Saugor ...	759	5	115	137	257	101	65	87	21	..	3	2	..	..	16	9	..	4	4
Dumoh ...	1,669	82	564	487	1,133	393	454	231	63	1	30	41	96	153	92	114	..	55	55
Seonee ...	1,167	39	426	329	794	243	225	266	149	...	18	22	31	92	92	39	...	60	60
Mundla ...	426	5	62	106	173	67	73	27	27	...	..	..	6	14	28	14	..	6	6
Hoshungabad ...	4,102	219	2,582	1,302	4,103	937	1,166	1,867	824	...	117	138	237	184	348	62	..	193	193
Baitool ...	1,943	124	783	693	1,600	594	462	448	304	..	67	90	139	318	91	20	...	96	96
Nursingpore ...	3,523	251	2,223	1,478	3,952	1,002	1,080	1,659	884	...	80	93	181	329	197	58	..	211	211
Nimar ...	4,995	347	750	2,538	3,635	2,313	431	604	556	98	194	196	165	..	211	109	3	284	287
Cantt. Small Cause Court, Aseergurh ...	183	2	15	61	78	56	12	8	..	..	2	...	..	...	4	4	...	2	2
Chindwara ...	2,814	133	394	1,094	1,621	745	410	341	120	..	99	109	172	...	186	24	...	125	125
Raepore ...	1,340	46	267	531	844	357	294	157	157	...	21	28	44	48	120	30	...	36	36
Sumbulpore ...	753	16	86	188	290	156	84	39	35	..	3	1	8	9	46	12	..	11	11
Belaspore ...	930	22	133	385	540	254	128	114	84	...	11	1	4	...	72	29	..	44	44
Upper Godavery District ...	137	3	10	21	34	21	8	4	3	..	5	...	1	..	13	..	..	1	1
Total ... 1869...	47,799	2,427	15,177	18,945	36,549	13,117	9,104	11,969	6,145	129	1,400	1,288	2,411	1,964	3,592	922	5	2,354	2,359
1868...	41,057	1,685	15,476	16,351	33,512	11,434	8,271	11,382	5,525	187	1,114	1,133	2,051	1,539	3,106	997	21	2,404	2,425

No. VI.

STATEMENT showing the Miscellaneous Work of the Civil Courts in the Central Provinces during te year 1869.

Division.	Nature of Case.	Cases on the Files.			Disposed of.			Pending.			Remarks.
		Pending at the close of last year.	Instituted during the year.	Total.	Decided on their merits.	Struck off in default.	Total.	For more than two months.	Since December.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12
District Courts.	Claims to attached property	2	1,818	1,820	1,716	82	1,798	..	20	20	
	Contempt of Court	..	8	8	8	..	8	...	..	..	
	Claim to foreclose or redeem a mortgage	..	14	14	14	...	14	2	..	2	
	Claim to sue as pauper	1	257	258	163	90	253	..	5	5	
	Miscellaneous applications or proceedings other than above	4	6,526	6,530	6,344	177	6,521	1	8	9	
	Total	7	8,623	8,630	8,245	349	8,594	3	33	36	
Courts of the Commissioner.	Claims against attachment of property	2	4	6	5	..	5	...	1	1	
	Claim to sue as pauper	...	4	4	..	4	4	..	..	..	
	Proceedings on Miscellaneous subjects from Lower Courts	..	115	115	47	65	112	..	3	3	
	Miscellaneous Petitions	..	15	15	7	1	8	..	..	...	7 transferred.
	Total	2	138	140	59	70	129	...	4	4	

No. VII.

Statement showing the state of the Tulubana Fund in the Central Provinces for 1869.

Courts.	Number of Processes served.	Collections during 1869.			Expenditure						Cash Balance.											
					On account of Establishment.			Miscellaneous.			Total.			Surplus of the year.			Balance from 1868.			Total.			Credited to Government.			In hand.		
1	2	3			4			5			6			7			8			9			10			11		
		Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Nagpore District	26,699	14,108	5	0	6,552	13	0	751	8	1	7,304	5	1	6,803	15	11	82	8	5	6,886	8	4	6,443	0	3	443	8	1
Nagpore City Small Cause Court .	19,332	4,635	2	0	2,160	13	3	42	0	0	2,202	13	3	2,432	4	9	..	..	..	2,432	4	9	2,318	13	9	113	7	0
Kamptee Cantt. Small Cause Court..	7,860	2,081	5	0	805	8	10	..	..	..	805	8	10	1,275	12	2	3,513	1	2	4,788	13	4	..	..	..	4,788	13	4
Chanda District . ..	6,940	3,726	14	0	2,287	7	8	100	3	0	2,387	10	8	1,339	3	4	631	8	8	1,970	12	0	802	8	10	1,168	3	2
Bhundara District	10,962	5,658	0	6	3,365	9	8	105	2	9	3,470	12	5	2,187	4	1	1,549	9	10	3,736	13	11	3,161	11	9	575	2	2
Wurdah District	13,043	6,698	6	0	3,388	4	2	..	..	..	3,388	4	2	3,310	1	10	4,053	5	4	7,363	7	2	7,363	7	2	..	..	..
Balaghat District	3,246	1,858	12	0	1,299	0	5	...	..	..	1,299	0	5	559	11	7	317	14	6	877	10	1	381	3	2	496	6	11
Jubbulpore District	8,436	5,214	9	4	3,425	11	0	320	12	0	3,746	7	0	1,468	2	4	1,562	1	7	3,030	3	11	2,136	8	4	893	11	7
Jubbulpore City Small Cause Court ..	8,607	1,937	15	0	939	5	5	..	..	...	939	5	5	998	9	7	1,446	0	11	2,444	10	6	..	..	..	2,444	10	6
Jubbulpore Cantt. Small Cause Court.	1,638	402	15	0	288	0	0	..	..	..	288	0	0	114	15	0	932	6	1	1,047	5	1	..	..	..	1,047	5	1
Saugor District	19,887	10,583	13	0	7,496	13	7	..	...	...	7,496	13	7	3,086	15	5	1,729	15	4	4,816	14	9	4,354	2	6	462	12	3
Saugor Cantt Small Cause Court ..	2,101	475	15	0	277	15	0	...	..	...	277	15	0	198	0	0	223	3	2	421	3	2	..	..	..	421	3	2
Dumoh District	9,101	5,254	9	0	2,990	8	9	..	..	..	2,990	8	9	2,264	0	3	1,768	9	2	4,032	9	5	3,810	8	5	222	1	0
Seonee District	7,075	3,347	8	0	2,098	9	10	267	6	6	2,366	0	4	981	7	8	797	13	5	1,779	5	1	963	3	1	816	2	0
Mundla District	2,157	940	3	2	651	15	5	8	14	0	660	13	5	279	5	9	221	12	6	501	2	3	489	15	5	11	2	10
Hoshungabad District	29,573	15,344	8	6	9,224	10	7	540	10	11	9,765	5	6	5,579	3	0	5,606	2	6	11,185	5	6	5,972	4	7	5,213	0	11
Baitool District	11,174	5,609	9	6	3,116	0	10	..	...	..	3,116	0	10	2,493	8	8	1,933	7	11	4,427	0	7	4,254	4	8	172	11	11
Nursingpore District	22,329	12,775	1	0	4,605	3	0	...	...	...	4,605	3	0	8,169	14	0	4,932	13	6	13,102	11	6	6 658	3	0	6,444	8	6
Nimar District	21,232	10,750	9	0	3,958	6	0	..	..	..	3,958	6	0	6,792	3	0	4,669	15	10	11,462	2	10	6,498	11	7	4,963	7	3
Aseerghur Cantt. Small Cause Court..	169	34	13	0	18	0	0	...	...	...	18	0	0	16	13	0	..	...	.	16	13	0	16	13	0	..	..	..
Chindwara District	13,778	6,292	4	1	3,871	2	2	77	3	6	3,948	5	8	2,343	14	5	1,226	10	3	3,570	8	8	1,457	1	5	2.113	7	3
Raepore District : :	7,243	3,720	2	0	1,767	1	11	...	...	...	1,767	1	11	1,953	0	1	3.777	6	2	5,730	6	3	4,032	4	0	1,698	2	3
Sumbulpore District	3,593	1,543	2	0	833	12	2	...	..		833	12	2	709	5	10	409	15	11	1,119	5	9	609	6	1	509	15	8
Belaspore District	4,625	2,287	13	0	1,833	2	6	...	...	...	1,833	2	6	454	10	6	437	5	10	892	0	4	437	5	10	454	10	6
Upper Godavery District ..	688	326	0	0	301	4	1	...	..	..	301	4	1	21	11	11	...	..	..	24	11	11	...	..	..	24	11	11
Total... 1869	2,61,488	1,25,608	2	1	67,557	3	3	2,213	12	9	69,771	0	0	55,837	0	0	41,823	12	0	97,660	14	1	62,161	8	10	35,499	5	3
Total... 1868	2,47,041	1,25,164	12	3	...	..	..	..	..	..	73,349	6	11	51,816	0	0	..	...	..	1,86,849	9	2	1,49,215	4	7	37,634	4	7

Statement No. VIII.—(Civil.)

General Statement regarding the work of each Officer employed in the Central Provinces, during the year 1869.

(D. C. signifies Deputy Commissioner; A. C., Assistant Commissioner; E. A. C., Extra Assistant Commissioner; J. S. C. Ct., Judge Small Cause Court; J. C. S. C. Ct., Judge Cantonment Small Cause Court; T., Tehseeldar; N. T., Naib Tehseeldar; R., Registrar, (Small Cause Court); and O. before any such abbreviation signifies Officiating.)

Period of employment.		Name and designation of Officer.	Number of regular suits and appeals disposed of	Cases of Execution of decree or claims to attached property.	Average duration of regular suits and appeals.
Months.	*Days.*				
		NAGPORE.			
12	..	Major F. Fenton, D. C. .	90	27	27
4	8	T. Drysdale, Esq., A C. ..	10	6	20
12	..	Capt. E. W. C. H Miller, A. C. ...	73	2	23
4	..	L. Neill, Esq., A. C. ..	10	7	36
2	14	Capt. J. A. Temple, A. C. ..	4	5	20
12	..	M. Bukhtawur Sing, E A. C. ..	1,242	1,533	20
2	17	Dinkur Rao, O E A. C. ..	7	2	33
12	..	Bapujee Balkrishna, T. ..	745	320	13
...	20	Nagho Rao, T. ...	14	28	16
11	...	Sudasheo Mahiput, T. ..	625	350	15
12	...	Gunput Rao, T. ...	494	157	12
12	..	Sukharam Mahiput, T. ..	1,064	369	14
12	..	Ragho Myral, N. T ...	424	330	11
12	..	Ramkrishen Kesho, N. T. ...	840	380	16
12	..	Lieut.-Col., F. L. Magniac, J. S. C. Ct. ..	1,842	1,203	9
7	..	Mr. Dinker Rao, R. ..	1,351	701	9
3	..	Mr Bulwunt Rao, O. R. ...	548	267	9
2	...	Mr. Bapoo Rao, O R. ...	627	283	11
12	...	Capt. T. H. B. Brooke, J. C. S. C. Ct. ..	2,394	1,266	18
4	22	Ghoolam Mustafa, R. ...	104	405	13
		CHANDA.			
12	..	Major C. B. L Smith, D. C. ..	24	3	38
4	1	J W. Tawney, Esq, A. C. ...	84	51	29
3	1	L. Neil, Esq. A C. ..	1	...	2
12	..	S. H. Hennessy, Esq. E. A. C. ..	251	153	23
1	27	F. H. Prior, Esq, E. A. C. ..	52	30	14
1	18	Abdool Ruheem, E. A. C. ...	151	90	17
1	5	Bulwunt Rao, T. ..	11	9	33
10	23	Nagho Rao, T. ..	499	236	15
12	..	Narrain Rao, T. ...	359	154	22
12	...	Rughoonath Rao Moondhey, T. ..	513	265	17
		BHUNDARA.			
1	9	Capt. H F. Newmarch, D. C. ...	3	..	2
10	9	H. Read, Esq., D. C. ..	28	...	12
11	9	D. A. Cameron, Esq, E. A. C. ..	734	577	17
..	22	L. Neil, Esq, A. C. ...	73	24	20
12	..	Madho Rao, T. ..	1,134	738	11
12	...	Neelkunt Rao, T. ...	738	352	11
4	15	Balkrishna Martund, T. ..	117	128	15
		WURDAH.			
12	..	Capt. M. P. Ricketts, D. C. ..	100	7	15
3	23	W Wrottesley, Esq., A. C. ...	52	49	44
4	24	J. W. Tawney, Esq, A. C. .	44	55	28
2	11	H. Muir Esq., A. C. ...	30	20	23
..	23	Lieut. H. H. H. Hallett, A. C. ..	10	16	19
..	7	H. E. M. Impey, Esq., E. A. C. ..	2	3	47
..	19	F. Prior, Esq., E. A. C. ..	3	9	23
11	18	Mr M. B. Tulsingh, E. A. C. ..	810	488	20
10	.	Dadajee Jeywunt, T. ...	1,215	398	19

Statement No. VIII.—(*Civil*) *continued.*

Period of employment.		Name and designation of Officer.	Number of regular suits and Appeals disposed of.	Cases of execution of decree or claims to attached property.	Average duration of regular suits and appeals
Months.	*Days.*				
...	22	Ram Rao Rajeshwur, T. ..	49	15	17
2	...	Bhasker Rao, T. ..	146	39	7
..	30	Himmut Ali, T. ...		2	..
12	..	Krishn Rao Rajeshwur, T. ...	604	277	11
11	14	Ramkishen Bulwunt, T. ..	763	229	11
		BALAGHAT.			
10	8	Capt. A. Bloomfield, D. C. ..	31	15	22
1	22	A. M. Russell, Esq., O. D. C. ..	7	...	33
5	10	F. Prior, Esq., E. A. C. ...	62	15	18
3	5	Kesho Rao, O. E. A. C. ..	76	70	24
9	15	Kesho Rao, T ..	544	222	23
2	15	Bulwunt Rao Narayen, T. ..	170	107	19
9	...	Gunput Rao Khun too, N. T. ..	71	20	11
3	...	Gunput Rao Vittul, N. T. ...	10	2	17
		JUBBULPORE.			
3	27	Major E. M. Playfair, D. C. ..	6	2	20
4	23	Capt. H. C. E. Ward, O. D. C. ..	13	..	11
3	10	W. B. Jones, Esq., D. C. ..	3	1	18
4	7	F. Venning, Esq., A. C. .	234	399	15
5	29	Lieut. R. M. B. Thomas, A. C. ..	155	282	15
7	24	G. J. Nicholls, Esq., A. C. ..	59	122	19
12	...	Rae Sookh Lall, E. A. C. ...	22	39	17
5	17	M. Syed Ali Hossein, E. A. C. ..	8	8	15
12	...	Capt. T. Wakefield, J. S. C. Ct. ..	2,177	1,004	16
2	2	Major S. C. D. Ryder, J. C. S. C. Ct. ...	78	39	7
6	...	Capt. H. I. Lugard, J. C. S. C. Ct. ..	254	156	4
12	...	Syed Kazim Ali, T. ..	53	43	23
2	..	Abdool Huq, T. ..	6	...	5
11	9	Mahd. Mirza Ali, T. ...	229	89	12
6	17	Bunwaree Lall, T. ...	79	62	17
...	22	Abdool Mujeed, T. ..	5	1	14
3	17	Nanuck Chund, T. ...	25	38	13
12	..	Serajool Hossein, N. T. ...	562	147	9
		SAUGOR.			
10	9	Major J. C. Wood, D. C. ..	67	...	145
1	21	Capt. H. C. E. Ward, D. C. ..	29	...	44
5	8	A. G. W. Harris, Esq., A. C. ..	378	430	20
1	8	Syud Azeezoodeen Ahmed, E. A. C. ..	101	97	10
5	12	Syud Ahfad Hossein, E. A. C. ...	485	587	29
12	..	Syud Mudud Emam, T. ..	393	210	10
12	..	Dabee Pershad, T. ...	807	601	20
10	...	Mahd. Mehdee Hossein, T. ..	417	402	11
12	..	Syed Assud Ali, T. ..	651	209	18
12	..	Lukput Rai, N. T. ..	814	446	23
5	5	Zuhoor-ool Hossein, N. T. ..	54	..	14
12	..	Lieut.-Col. H. T. Bartlett, J. C. S. C. Ct.	835	257	47
		DUMOH.			
5	23	Capt. G. A. A. Warner, D. C. ..	3	...	16
3	28	Capt. C. H. Plowden, D. C. ..	2	..	10
12	...	M. Oulad Hossein, A. C. ...	1,129	835	10
12	..	M. Tukhut Sing, T. ...	615	314	14

Statement No. VIII.—(*Civil*) *continued.*

Period of employment.		Name and designation of Officer.	Number of regular suits and Appeals disposed of.	Cases of execution of decree or claims to attached property.	Average duration of regular suits and appeals.
Months.	*Days.*				
		SEONEE.			
...	15	Capt. H. L. Lugard, O. D. C. ..	1	..	7
2	23	Col. J. B. Dennys, D. C.	7	..	18
2	7	Capt. S Brooke, O. D. C. ...	24	4	21
4	14	Lieut R. M. B. Thomas, A. C. ..	9	45	16
6	8	M. Ali Hossein, E. A. C. ..	66	76	39
4	12	Abdool Ruheem, E. A. C. ..	250	146	10
7	16	H. E. M. Impey, Esq., E. A. C. ..	442	210	15
11	...	Abdool Mujeed, T. ...	...	88	..
7	24	Shunker Lall, T. ...	198	78	22
12	..	Mahd. Abdoolah, T. ...	422	127	18
		MUNDLA.			
3	27	Capt. H. C. E. Ward, O. D. C. ..	1	..	2
7	11	Capt. C. H Grace, D. C. ..	1	..	9
10	15	Baboo N. K. Bose, E. A. C. ...	355	130	11
11	17	Kubeer-ud-deen Hossein, T. ..	121	35	10
11	16	Muksood-ool-Hossein, T. ..	40	2	10
		HOSHUNGABAD.			
1	19	J. W. Chisholm, Esq., D. C. ..	6	...	12
5	24	Col. J. B. Dennys, D. C. ..	66	6	13
6	7	Capt. C. H. Plowden, A. C. ...	136	104	13
10	3	J. H. MacGeorge, Esq, A. C. ..	669	347	21
12	...	M. Sheopershad, E. A. C. ..	1,058	1,285	17
12	...	M. Leeladhur, E. A. C. ..	694	597	14
12	...	Pundit Ram Dyal, T. ...	94	64	25
12	..	M. Adjoodhea Pershad, T. ..	658	528	13
12	...	M. Mahd. Ally, T. ...	1,656	1,236	21
		BAITOOL.			
3	27	Capt. J. Ducat, O. D. C. ...	22	2	28
8	7	Major J. Ashburner, D. C ...	33	..	15
12	..	Pundit Gopal Rao, E. A. C.	1,169	843	15
12	..	Ramchurn Lall, T. ..	1	...	2
8	..	Ghulam Mahd. Khan, T. ..	782	449	16
3	10	Kally Churn, T. ..	96	56	14
4	16	Bunseedhur, N. T. ..	281	154	10
		NURSINGPORE.			
9	4	Capt. J. L. Loch, O. D. C. ..	77	4	14
..	26	Capt. C. H. Ward, O. D. C. ..	21	...	13
1	16	Capt. H. J. Lugard, O. D. C. ..	35	...	18
...	11	Capt. C. H. Plowden, O. D. C. ..	1	...	6
12	...	T. E. Ellison, Esq., A. C. ..	851	1,326	54
9	..	F. St. C. Williams, Esq., E. A. C. ..	616	694	21
8	6	Kalicburn, T. ...	647	145	21
3	24	Venkut Rao, T. ..	557	361	27
4	24	Nehalchund, T. ..	491	288	21
5	20	Sheolall Doobey, T. ..	752	697	27
12	...	Kishoree Lall, T. ..	527	389	16
1	22	Luchmedhur, N. T. ..	171	10	32
		NIMAR.			
3	15	Capt. C. H. Grace, D. C. ..	6	5	35
8	15	Capt. J. Forsyth, O. D. C. ...	22	3	13
12	...	Capt. T. A. Scott, A. C. ..	1,067	205	25
12	..	A. B. Ross, Esq., A. C. ..	1,115	705	36
11	...	Mahd. Zein-ul-Abdeen Khan, E. A. C.	3,277	1,627	18
1	...	Madho Rao, O. E. A. C. ...	200	127	25

Statement No. VIII.—(*Civil*) *continued.*

Period of employment.		Name and designation of Officer.	Number of regular suits and Appeals disposed of.	Cases of execution of decree or claims to attached property.	Average duration of regular suits and appeals.
Months.	*Days.*	NIMAR (*continued.*)			
12	...	Govind Rao, T. ..	1,723	720	20
1	..	Madho Rao, T. ...	5	..	11
5	22	Sheolall Doobey, T. ..	298	150	13
6	..	Bulwunt Rao, N. T. ...	206	116	10
1	...	Gunput Rao, N. T. .	20	2	14
12	..	Capt. H. Ross, J. C. S. C. Ct. ...	296	78	13
		CHINDWARA.			
3	...	Major J. Ashburner, D. C. ..	19	...	24
3	28	Capt. R. M. B. Thomas, O. D. C. ..	8	..	17
8	..	Major E. M. Playfair, D. C. ..	66	7	20
1	25	Capt. H. I. Lugard, O. D. C. ...	1	2	23
12	..	Meer Sooltan Ali, E A. C. ..	1,368	609	9
8	8	J. Lloyd, Esq., O. E. A. C. ..	373	244	14
6	15	Venket Rao, T. ..	880	429	15
12	..	Imrit Rao, T. ..	458	240	11
4	...	Gholam Mahd. Khan, T. .	266	173	12
		RAEPORE.			
7	6	J. W. Chisholm, Esq, D. C. ..	14	...	11
4	19	Capt. E. Twyford, D. C. ..	15	..	30
..	29	Lieut J. W. Macdougall, A. C. ..	82	31	19
...	14	Lieut. L Noverre, A. C. ..	24	27	18
3	20	Lieut. E. A. Pomberton, A. C. ..	353	163	10
6	10	Baboo B. S. Dutt, E. A. C. ..	981	492	12
..	..	D. Sinclair, Esq., E. A. C. ...	1	...	2
...	..	T. Crawley, Esq., E. A. C. ...	2	..	8
..	..	Yacoob Ali, T. .	1	..	54
11	4	Mahfooz-ul-baree, T. ..	177	41	9
12	..	Mahmood-ul-Hussain, T. ..	115	33	16
...	23	Ajoodhia Pershad, T. ...	18	8	11
11	8	Heeralall, T. ..	213	61	17
		SUMBULPORE.			
8	16	Major A. B. Cumberlege, D. C. ..	20	1	8
1	..	Lieut. M. M. Bowie, O. D. C. ..	11	5	7
7	...	Lieut. M. M. Bowie, A. C. ..	23	28	15
2	25	Lieut. L. Noverre, A. C. ..	31	39	27
...	15	T. Crawley, Esq, E. A. C. ..	25	8	14
12	...	Balmookund Putnaik, T. ...	227	53	14
12	...	Sutya Badee Parhee, T. ...	435	110	15
		BELASPORE.			
4	19	Capt. W. B. Thomson, D. C. ...	12	3	24
7	12	Capt. J. Ducat, O. D. C. ..	6	..	17
...	6	Lieut. E. A. Pemberton, A. C. ..	1	5	28
6	14	Lieut. W. L. Noverre, A. C. ..	302	169	10
1	..	Goor Pershad, E. A. C. ...	29	17	10
9	1	Ibnool Hossein T. ..	320	148	12
12	..	Abdool Soobhan, T. ..	423	86	14
7	27	Krishen Rao, T. ...	192	68	17
		UPPER GODAVERY DISTRICT.			
11	28	J. F. Beddy, Esq., O. D. C. ..	77	21	7
12	...	J. Horuby, Esq., E. A. C. ..	86	12	11

No. 1265
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FROM

THE SECY. TO THE CHIEF COMMISSIONER,

Central Provinces,

To

THE REGISTRAR, JUDICIAL COMMR'S. COURT,

Central Provinces.

Dated Núgpúr, the 12th June 1871.

SIR,

I am directed to acknowledge the receipt of the Judicial Commissioner's Civil Administration Report for the year 1870, and am now to communicate the Officiating Chief Commissioner's remarks on the same.

2. The system of having only one Civil Court open at any place has, except in a few places, been maintained everywhere, and it appears to have worked successfully, so far at any rate as the disposal of Civil Judicial business is concerned. The complaint that in many cases the time of highly qualified officers is taken up with the decision of petty suits which might be equally well decided by officers of inferior ability is no doubt well founded, but it is impossible to effect any division of work, by which there shall be assigned to an officer only such work as an officer of less experience and inferior ability is unable to perform. The advantages of the so-called single Court system counterbalance its disadvantages. It is probably the first step towards the creation of a separate Judicial service for these Provinces.

3. The remarks of the Deputy Commissioner of Bálághát on the subject, as quoted in para. 7 of the report, scarcely affect the question of having only a single Court open at any place. They go to prove that one particular Court was more popular than another.

4. The Officiating Chief Commissioner is glad to perceive that the Judicial Commissioner has drawn attention to the almost compulsory employment of Pleaders in the conduct of cases before some of the Courts. Colonel Keatinge hopes the time is still distant when our procedure shall be so complicated, as to prevent any intelligent person, who is party to a suit, from conducting his case in person. When Pleaders once come to be employed as a matter of course in all cases, our procedure, if not our law, may be expected to become overlaid with technicalities.

5. The number of cases which came before the Courts has again this year materially increased, and the statistics, given by the Judicial Commissioner in paras. 29 and 30, certainly lead the Officiating Chief Commissioner to believe that the amount of litigation in the Central Provinces in general, and more particularly in some districts, is greater than one should wish to see The Officiating Chief Commissioner fully concurs in the opinion expressed by the Judicial Commissioner that "litigation is an evil, and not a thing to be stimulated by any special measures." On the contrary, a resort to the Civil Courts should not be in any way encouraged. Obtaining a decree should not be looked upon as equivalent to registering a debt, and yet this is what the Deputy Commissioner of Chándá states to be the belief of the people —"It is beginning to be seen that a debt is a very un "certain kind of property, unless it has the sanction of the law, and "naturally the law is sought to place the debt out of all danger."

6. The practice in Jabalpur, as described by the Deputy Commissioner, is much more wholesome. The Ráípúr district has chiefly distinguished itself during the past year by the large increase of litigation which has taken place. The popularity of a Judge may to some extent exert an influence over the amount of litigation which goes on in a Court, but mere personal popularity could not account for so great an increase of cases as is shown in the Ráípár Court. It is to be presumed that Mr. Beresar Datt's procedure in nowise differs from that prevailing in other Courts, and that the people have no greater inducement to resort to one Court in Ráípúr than elsewhere. In any case the sudden increase of litigation in Ráípúr, without any assignable cause, is not in itself satisfactory.

7. On the subject of litigation in Nimár, Colonel Keatinge has made the following note :—

"The extent to which people of different districts in India resort "to Civil Courts is no doubt regulated by custom. The "officers who administered Nimar, when returning prospe- "rity made the collection of debts possible, had a horror of "our Civil Courts, and would not permit any of the forms "or customs usually obtaining in them to be introduced. "When I joined the Province in 1847, there was already "a large litigation, but it was not for many years after that "either a limitation law or any system of payment was in- "troduced. For many years nearly all suits were referred "to Punchayets, and decrees were passed for payments by "instalments extending over long series of years. The Courts "were in fact for many years worked on the avowed princi- "ple that the Civil Courts of the Regulation Provinces were "the worst and most unpopular feature of our Government; "the Nimar Courts were framed by men of much local know- "ledge with the avowed intention that they should be popu- "lar with the mass. In this they succeeded perhaps too "well. The first step towards the procedure of the rest of "India was forced by the discovery that sitting on Pun-

" chayets was becoming a regular trade, and that the Pun-
" chayets were getting seriously corrupt. When their use
" was checked the amount of litigation was found a very
" serious burthen, and in self-defence a system of limitation,
" and of payments by fees, and ultimately by stamps, was
" introduced. These measures were brought in so gradually
" that they never checked litigation or frightened the peo-
" ple from the Courts. When this system prevailed in Ni-
" mar, the Civil Courts in the higher part of the Narbada
" valley were under professional Ameens, the language of
" the Courts was foreign—Urdu, and the Sagar-Narbada
" territories were invaded by a flight of low Vakeels from
" the North-Western Provinces. The Courts were as unpo-
" pular as those of Nimar were liked, and it is, I believe, to
" the contrasts which then existed that we must look for
" the divergence of popular custom we are now discussing."

It has also been affirmed that there are not in Nimár, to the same extent as elsewhere, professional money-lenders with what may be called professional clients. The more respectable moneyed men are said rarely to enter the Civil Court. The persons who constantly resort to them are men of an inferior class, who borrow from wealthy men, giving good security, and who in their turn lend the money they borrow to the more needy.

The small proportion of agriculturists to non-agriculturists, it is stated, in so far affects litigation, that as soon as a man of the latter class scrapes together a few rupees he lends them out in small sums of twenty rupees or so for short periods with heavy interest and *siwae* in case of default of payment.

Even the money-lenders, being men of no capital, are obliged to get in their debts punctually, and bonds are generally sued on as soon as they fall due. They are then, on a decree passing, either paid up or else a fresh bond is written for the purpose of superseding the decree, a part payment being made in money.

These causes have been suggested to the Officiating Chief Commissioner as explanatory of the remarkable amount of litigation in a district with so small a population as Nimar, and that they are actually at work seems to be borne out by the following facts,—(1) that the poorer and least thrifty classes among the people,—the Bhils, Bhilalas, and Bhilalis,—constitute the majority of defendants in Civil suits ; (2) that the number of decrees fully executed in the Nimar district greatly exceeds, both absolutely and comparatively, the number in any other district ; and (3) that the average value of suits in Nimar is lower than in any other district in the Provinces, excepting the wild hill districts of Mandla, Chhindwara, Betul, and Balaghat, and the backward district of Sambalpur.

8. The Officiating Chief Commissioner fully concurs in the remarks made by the Judicial Commissioner in para. 40 of the report. It can serve no purpose to summon witnesses whose evidence may never be required, and the inconvenience and hardship inflicted on persons thus called away from their ordinary occupations ought not to be disregarded.

9. With reference to the latter part of para. 43, I am to request that the Officiating Chief Commissioner may be furnished with the names of the officers in whose Courts the percentage of contested cases is abnormally low. The manner in which both the original and the appellate business of the Courts has been transacted appears to the Officiating Chief Commissioner satisfactory, and Colonel Keatinge is glad to have the Judicial Commissioner's assurance of the care which is bestowed on the execution of decrees. The question of the sale of landed property in execution of decrees has been submitted for the consideration of the Supreme Government.

10. The only general remark which the Officiating Chief Commissioner would add is one of caution to Judicial officers, not to foster unnecessarily a spirit of litigation among the people; not to induce them to resort to our Courts except against recalcitrant debtors, or when they actually desire to realize their debts, and can do so in no other way.

11. The small number of contested cases would indicate that the tendency of the people is not to repudiate their debts; and, on the other hand, the small number of cases, in which execution is asked for, seems to prove that the object of the creditors is not to realize their money. Why then should so many cases come before our Courts? There is no reason why special measures should be taken to render our Courts popular. What are called popular Courts are usually those in which plaintiffs consider that they receive much assistance. The Courts should be easy of access, and the procedure laid down by law should be strictly and impartially observed; and when this is done everywhere, and the Courts are presided over by Judges of equal ability, the personal popularity of the Judge should find no place among the causes at work in bringing more cases to one Court than to another.

12. For the careful and satisfactory report under acknowledgment, the Officiating Chief Commissioner's thanks are due to Mr. Melvill.

I have the honor to be,
Sir,
Your most obedient Servant,

J. W. NEILL,
Offg. Secretary.

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No. 371.

From

THE REGISTRAR,

JUDICIAL COMMISSIONER'S COURT,

Central Provinces.

To

THE SECRETARY TO THE CHIEF COMMISSIONER,

Central Provinces,

Dated Nágpúr, the 23rd March 1871.

SIR,

I am desired by the Officiating Judicial Commissioner to submit his report on the administration of Civil Justice in the Central Provinces during the year 1870. The prescribed statistical returns are appended, and the District and Divisional reports are forwarded in original.

2. The same order of subjects will be observed as in last year's report.

3. The revised forms of imperial statistical returns having only been received in this office in December 1870, it has not been found possible to adopt them for that year. The imperial returns are accordingly submitted in the old form.

A.—THE TRIBUNALS *(Statement B. 1.)*

4 The number of Courts are shown in the margin.*

	1869.	1870.
Court of the Judicial Commissioner	1	1
Courts of the Commissioner ..	4	4
Courts of the Deputy Commissioner ..	19	19
Courts of the Assistant Commissioner ..	24	28
Courts of the Tahsildar ..	33	37
Naib-Tahsildar's Court ..	9	7
	95	96
Small Cause Courts in Cantonment ...	4	4
Small Cause Courts at Nagpur and Jabalpur ..	2	2
Grand Total ...	101	102

A Statement showing the alterations made in the Courts during the year will be found in Appendix A. of this report.

5. The existing Courts are sufficient for the Province, except that a Court presided over by an Assistant Commissioner is said to be much wanted in the Trans-Wainganga portion of the Chándá district.

The single Court system.

6. The system under which a single officer is charged with the administration of Civil Justice at the head-quarters of districts, and at other places where there are more than one officer capable of deciding suits, has been carried out as far as possible during the year. There are two districts, viz, Chhindwára and Sambalpúr in which, owing to there being only one Assistant Commissioner and no Extra-Assistant Commissioner at head-quarters, it has been necessary to divide the Civil work between the Assistant and the Tahsíldar. At Hardá and Khandwá the work is too much for one Court, and has been divided between the Assistant Commissioners and the Tahsíldars. At Ságar and Nágpúr during a portion of the year the Court of the European Assistant or Extra-Assistant Commissioner was of necessity kept open because the Native Extra-Assistant Commissioner in charge of the

Station Court was unacquainted with English. At Chándá and Seoní a division of work was necessary, owing to the officer in charge of the Station Court not having full powers; and there are some districts, as Seoní, Hoshangábád, and a few others, where the Station Court officer has also charge of the Treasury.

The single Court system in the Balaghat district.

7. The following extract from the report of the Deputy Commissioner of Bálághát shows that there was some dissatisfaction with the system in that district, and that a departure from its complete observance was sanctioned:—

	Disposed of cases.			
	1870.		1869.	
	No.	Value Rs.	No.	Value Rs.
January	79	..	97	..
February	78	..	75	..
March	46	13,816	94	3,247
April	31	..	92	..
May	45	..	95	..
June	53	5,515	42	11,696
July	46	..	52	.
August	63	..	52	..
September	74	4,570	68	10,525
October	64	..	56	..
November	84	.	100	...
December (Total of year).	740	30,862	921	40,061

"On the 15th July all the Civil work at District head-quarters was made over to the Extra-Assistant Commissioner having 5th grade powers, and the result was an immediate falling off in the Civil litigation. The statistics of the quarter ending 30th June 1870, as compared with the corresponding quarter of 1869, show a decrease in cases disposed of, of about 44 per cent, in value of more than 50 per cent, and in executions of decree of 48·4 per cent. There was this great falling off in the whole district notwithstanding that the Civil work of the Naib-Tahsildar of Páraswára had increased considerably. These facts were duly represented in this office No. 2001, dated 23rd July last, and sanction was then given to the Tahsildar of Burha taking up cases of small value; and immediate increase in litigation followed."

"That the Civil Court experiment failed is clear, but I have not been able to satisfy myself as to the exact cause of failure. The following are some of the reasons which have been assigned:—

1st.—"That people preferred a Court to which they had been accustomed.

2nd.—"That the officer presiding over the Civil Court was stricter than the people liked, and had been accustomed to.

3rd.—"That the practice of summoning witnesses at the same time that summons issued for the defendants was distasteful to the people, owing to the increase in costs which it causes.

4th.—"That the presiding officer having powers of a Civil Court of the 5th grade, his cases were not appealable to the Deputy Commissioner, but to the Commissioner of Nágpúr, who holds his Court at a place 100 miles distant.

"Some of these reasons were urged in petitions made to me, but I am unable to state to what extent the strings were pulled behind the scene."

The single Court system in the Narbadá Division.

8. Mr. Low, the Commissioner of the Narbadá Division, makes the following remarks on the single Court system.

"I continue to believe that this system is advantageous to suitors. To them there is only one drawback—the necessity which often occurs, for appeals going a very long way to the Commissioner's Court. To the Government, on the other hand, the advantages are not so undeniable,—Government continues to suffer by the waste of power incurred, by having highly paid officers largely engaged in deciding petty suits which would be quite as well decided by servants of less calibre and salary. The withdrawal in this way of the major portion of the time of the various highly empowered officers from more important matters than petty Civil suits is no doubt a real and serious loss to the executive, without counterbalancing good gained in

administering the Civil Law. When, for example, in this Division, I see officers of the ability and standing of Messrs. Williams, Neill, Leeladhur, and Gopal Rao largely engaged in deciding suits of below 50 rupees in value, I confess to feelings of doubt as to whether all is as it should be. Some compromise might, I think, now be made. There might be *two* Civil Courts allowed for *all* Sadar and Divisional stations. Two Courts would surely not be enough to confuse litigants as to the where they should go; and the Sadar Tahsíldar might take all the petty suits below 100 rupees with great advantage to Government and with no disadvantage to the public."

The single Court system at Búrhanpúr.

Mr. L. Neill, Assistant Commissioner at Burhánpúr, on the other hand, considers that—

"There are several advantages secured by the adoption of the present system. First there is a saving of expenditure, and, in the next place, I think there is a check placed on factious and dishonest litigation. As an instance of what I mean, I may state that a case occurred, in investigating which I found that the plaintiff had filed two suits in my own Court against the defendant and one against the same defendant at the same time in the Tahsíli Court. As, on my questioning him, he could not give any satisfactory explanation of his reasons for instituting two suits in my own Court and one in the Tahsíli Court, I got the Tahsildar to send me the case instituted in his Court and tried them all together. I found that all the cases were on bond debt, and that the one sued on in the Tahsíli Court was superseded by one of the two sued on in my Court. The defendant, an ignorant cultivator, stated that the plaintiff held three or four of his bonds, some for cash borrowed and some executed to supersede others, but as he kept no books or memoranda, and as he stated that when asked to cancel the old bonds, his creditor either assured him that they had been destroyed or lost, he was entirely in his power, and he, the creditor, would in all probability have got a decree against him in the Tahsíli Court."

9. There is, no doubt, truth in Mr. Low's remarks about the waste of power in employing highly qualified officers in the decision of vast numbers of petty suits; but it must be remembered that the object of having a single Civil Court in each station is that the attention of the specially selected presiding officer may not be distracted by other duties, and that he may devote himself exclusively to the adjudication of Civil suits. This object is now attained in most of the stations of the Central Provinces. Were the work to be divided in the way suggested by Mr. Low, the result would be that the Tahsildar at head-quarters would have a large number of suits, inasmuch as more than half the total number of cases is below Rs. 50 in value, and the working of his Court would be subject to the constant interruption caused by executive business, of which he could not be divested, and by the necessity for going into the interior of his jurisdiction. The more highly qualified Assistant Commissioner or Extra-Assistant Commissioner, on the other hand, would not have sufficient Civil work to occupy his time, and administrative matters would be made over to his care; but, as he would be tied down to the station by the exigencies of his Court, his efficiency as an executive officer would be impaired, while at the same time the regularity of his attention to Civil suits would be impeded. There thus appears to be no way of avoiding the difficulty without creating as great, or worse evils. The plan was originated by Mr. G. Campbell, when Chief Commissioner of these Provinces, in 1866.

The opinion of the Officiating Judicial Commissioner on the objections raised to the single Court system.

10. The yearly report on the Civil Judicial Administration hardly seems the proper place for discussing questions regarding Pleaders. Some officers may consider that the Central Provinces were not ripe for such an institution; some may hold that the time had come. To some the working of the Pleaders may seem advantageous, to others the reverse. But the fact exists that they are now an established institution, and it only remains that measures be taken for excluding in future, as far as may be, all but respectable and competent men. The Bill now before the Legisla-

Pleaders.

ture renders it unadvisable at present to make any alterations in the rules as regards those who have been admitted to the roll of Pleaders in the Central Provinces; and, with reference to the admission of new men during 1870, it may be noticed that out of 23 candidates in November last, only 3 passed the examination,—a fact which shows that a high standard was demanded. The standard, however, so far from being too high, must be still further raised; and the greatest caution will be necessary to exclude from the examinations all but those who have a good moral character.

Erroneous procedure of some Courts in regard to the use of Pleaders.

11. There is one remark which it appears, desirable to make in this place. It will appear further on that the character of litigation generally in the Central Provinces is of a very simple nature. Yet it has come to notice that in some Station Courts it has become a practice for a Pleader to appear in the largest proportion of cases, even so much as 90 per cent. In other words it has come to be believed that cases will not be heard unless supported by a Pleader. It is clearly the duty of officers presiding over such Courts to let it be understood that every man is at liberty to prosecute his own cause without the assistance of a Pleader. A Book Circular No. XIII. was issued to this effect by Major Mackenzie in July of last year, but in some places it has not been duly attended to.

Procedure.

12. The Officiating Judicial Commissioner believes that the procedure in several Courts is excellent, and that generally it is good. Much attention has been paid to this subject in these Provinces.

Machinery of the Courts.

13. During the year Major Mackenzie issued additional forms for Civil processes and forms for use in Civil Judicial proceedings. These tend much to the regularity of the Courts and economise labour. The rates of commission to Nazirs for the sale of attached property in execution of decrees were also revised.

State of the Court rooms, &c.

14. The want of funds has prevented the completion of the fittings and furniture in some of the Court rooms. It is hoped that there will be but few deficiencies to complain of in this respect at the end of the present year. The Courts are believed to be all open and accessible; but Pleaders' rooms are wanted in many, and everywhere there is an absence of proper accommodation for suitors. As a general rule the Court rooms in these Provinces are ordered with much decency.

Law Libraries.

15. Although the Courts generally are fairly supplied with works of reference, there is still a deficiency of books or Legislative Acts in a majority of the districts. Deputy Commissioners have now been called on to specify exactly what is wanting, and the steps they are taking to supply it. Much difficulty is found in getting Vernacular translations of some of the Acts.

Office of Judicial Commissioner.

16. The office of the Judicial Commissioner was held by Major Mackenzie from 1st January to 31st July, Mr. C. Bernard from 1st to 30th August, and Mr. P. S. Melvill, from 31st August to the end of the year.

B —Extent and Character of Litigation *(Statements B7, B8. and No. II.)*

Cases instituted.

17. 72,183 cases were instituted during the year, being an increase of 9,046; or 12½ per cent over the institutions in 1869. These figures include re-institutions, *i. e.*, cases that were

decided *ex parte*, or on default, but were re-admitted for trial on their merits. There were 1,408 re-admissions in 1870 to 1,130 in 1869. It will simplify matters to take the figures *including* re-institutions.

Comparative Table of institutions.

18. A Table showing the number of suits instituted each year since 1862 was given at page 7 of the report for 1869, and is now reprinted with the figures for 1870 in Appendix B. It will suffice here to note that the institutions in 1862 were 24,666, and that the yearly percentage of increase on each preceding year has been as follows, excluding fractions :—

1863	..	...	... 63
1864	..	..	... 24
1865	...	..	.. 20
1866	...	...	.. 15
1867	..	...	... 7
1868	...	..	... 20
1869	..	..	... 9
1870	..	...	.. 13

Comparative Table of values of suits.

19. The increase in the different values of suits is thus exhibited :—

Value of suits.	1868.	1869.	1870.	Increase or decrease per cent. 1869.	Increase or decrease per cent. 1870.
Not exceeding 5 Rupees.	4,853	5,774	8,040	+ 19	+ 39
„ 50 „	38,975	42,021	46,213	+ 8	+ 9
„ 100 „	7,238	7,807	8,874	+ 8	+ 13
„ 500 „	5,008	5,714	6,909	+ 14	+ 20
„ 5,000 „	678	754	920	+ 11	+ 22
„ 10,000 „	22	20	36	— 9	+ 80
Exceeding 10,000 „	5	17	20	+240	+ 18
Total...	56,779	62,107	71,012	+ 9	+14·3

It is to be remarked that this Table shows the number of cases *disposed* of during the year, but the figures are sufficiently near for all practical purposes for ascertaining how the increase in institutions is distributed over the different values. Thus it appears that the greatest proportionate increase in 1870 has occurred in the class between Rs. 5,000 and 10,000, but the number of these cases is small, and that the next largest proportionate increase is in cases not exceeding Rs. 5. The largest absolute increase has been in cases between Rs 5 and Rs. 50, and there has also been a large increase in the 100 rupees and 500 rupees classes.

20. The total value of the suits disposed of in 1870 was Rs. 50,32,873, against Rs. 39,85,396 in 1869, being an increase of Rs. 10,47,477, or 26 per cent. In 1869, when the institutions rose 9 per cent, the increase in the total value of suits was only 9 per cent.

Value of property litigated has increased in a larger ratio than the institutions.

21. These figures show that while the number of cases instituted has largely increased, the value of the property litigated has increased in a larger proportion—a result that might have been anticipated from the generally growing prosperity of the people, and the favourable harvests during the year.

22. The subjoined Table shows the number of suits instituted in the different districts during 1869 and 1870, and the percentage of increase or decrease in each:—

Comparative Table of suits instituted in districts.

	1869.	1870.	Increase.	Decrease.	Per cent. Increase.	Per cent. Decrease.
Nágpúr ..	5,529	5,648	119	...	2·1	...
Small Cause Court, Nágpúr ..	4,415	4,880	465	...	10·5	..
Do. Kámthí ..	3,454	3,407	.	47	...	1 3
Chándá ..	2,006	2,587	581	..	28 9	...
Bhandára ..	2,814	3,596	782	..	27·7	...
Wardhá ..	3,724	4,277	553	..	14·9	...
Bálághát ..	925	727	...	198	..	27·2
Jabalpúr ..	1,441	1,725	284	...	19·7	...
City Small Cause Court, Jabalpúr..	1,984	2,435	451	...	22 7	.
Cantonment do. ..	514	445	..	69	...	15·5
Ságar ..	4,052	4,003	...	49	..	1 2
Small Cause Court, Ságar ..	835	692	..	143	..	20 6
Damoh ..	1,760	1,693	...	67	...	3·9
Seoní ..	1,387	2,185	798	..	57·5	...
Mandla ..	528	656	128	...	24·2	..
Hoshangábád ..	5,068	6,750	1,682	..	33·2	...
Betúl ..	2,354	2,702	348	...	14·8	...
Small Cause Court., A'sírgarh ..	293	165	...	128	...	77·5
Nimár ..	7,854	7,689	...	165	...	2·1
Narsinghpúr ..	4,535	5,657	1,122	..	24 7	...
Chhindwára ..	3,340	4,027	687	...	20 5	..
Ráipúr ..	1,982	3,123	1,141	...	57 5	...
Sambalpúr ..	886	959	73	...	8·2	...
Biláspúr ..	1,298	1,866	568	...	43·7	..
Upper Godávarí District ..	159	289	130	..	81·9	...
Total ..	63,137	72,183	9,912	866	15·7	1·2

Districts in which suits have decreased and increased.

* Nagpur City.
Jabalpur City.
† Balaghat, Sagar, Damoh, Nimar.
‡ Kamthi Cantonment, Jabalpur Cantonment, Sagar Cantonment, Asirgarh Cantonment.

23. There has been an increase in 15 districts and in 2* Small Cause Courts There has been a decrease in 4† districts and in 4‡ Small Cause Courts.

24. Considering the importance of the large addition reported this year to the litigation of the Province, it is advisable to examine the statistics of each district, and to note any reasons that may be assigned by the local officers for any remarkable increase or decrease.

Examination of increase and decrease in districts.

Districts in which there has been an increase of litigation.

25. And, first, as regards the districts in which there has been an increase of litigation :—

Nágpúr—After two years of very rapid progression, this district has almost come to a standstill. The Commissioner suggests that, as the number of suits in the Courts of the Nágpúr district in 1869 gave an average of one case to every 50 souls of the population, it may be considered that the litigation of this district is sufficiently large.

Nágpúr Small Cause Court (City).—The rate of increase is about the same as in 1868 and 1869.

Chánda.—There has been a very rapid increase in this district since 1866. But there has been a fall in the value of suits this year to the amount of about

half a lakh of rupees. This is explained to be due to one suit for Rs. 1,09,083, which was decided in 1869. The Deputy Commissioner adds—

> "As regards the increase in the number of suits, I find it a difficult matter to attribute it to any particular cause. Year after year since 1865 there has been a steady increase in this district, and one inference perhaps from this is, that suitors must have confidence in our Courts, otherwise they would hardly waste their time and money in coming to them in such increased numbers. I hope that this may be the case; but I would not venture to say that it is absolutely the fact: I can only state that our Courts are at all times accessible, and every effort has been made to dispose of cases as expeditiously as possible: the people too are gradually awaking to their rights and the power of the law: it is beginning to be seen that a debt is a very uncertain kind of property unless it has the sanction of law, and naturally the law is sought to place the debt out of all danger."

It is observable that the increase occurred chiefly at the Sadar station and at Warora; that there was a slight increase at the Burhánpúr Tahsíl, and that the suits in the Múl Court remained stationary.

Bhandára.—This district began in 1862 with a heavy file, but its progress in litigation has been gradual. In 1867, 1868, and 1869 the figures were pretty much the same in each year, but this year there has been an addition of 782 cases, equivalent to 27 per cent. The Deputy Commissioner has not attempted to explain this sudden rise, and the Commissioner suggests that it may perhaps be owing to the good agricultural seasons in 1870.

Wardhá.—Has made tremendous strides since 1866.* In that year 1,216 suits were instituted, and in 1870 there were 4,277 suits, being an increase of 3,061 suits, or 252 per cent, in four years. The following reasons for the increase in 1870 are assigned by the Deputy Commissioner:—

> "I.—The expeditious mode with which some of the presiding officers disposed of the suits instituted in their Courts.
>
> "II.—The convenience of the public in general being consulted more and more every year, and the popularity of the Courts.
>
> "III.—The employment of pleaders in nearly two-thirds of the suits instituted at the head-quarters, or in nearly one-fourth of the suits in the whole district, indicative of their being instrumental in bringing more suits for adjudication in our Courts.
>
> "IV.—The partial failure of cotton crops, and fall in trade, and the consequent leisure on hand, have led the creditors to realise their debts, through the medium of Courts. The increase in the suits in the third and fourth quarters might tend to confirm this idea to a certain extent.
>
> "V.—Reduction in the institution fee, under the provisions of the Court Fees' Act, permitting the indigent suitors to obtain their relief in Courts at a less cost than before. (The last Quarterly Statement shows a remarkable increase in the petty suits valued below 50 rupees.)"

Jabalpúr.—Although there was an increase of 284 suits in 1870, the figures for that year are nearly identical with those for 1868. Indeed, there were almost as many suits (1619) in 1862 as there were (1725) in 1870, and the fluctuations in intermediate years have not been remarkable. But then there has been a steady increase in the

City Small Cause Court, Jabalpúr.—No explanation has been given by the presiding officer of the increase of 22 per cent in 1870, although it has occurred in a year when the territorial jurisdiction of the Court was reduced to the extent

of 125 villages. It is here to be noted that the Deputy Commissioner of Jabalpúr states, with reference to there not being the increase which might have been expected on the litigation of 1868 in consequence of the opening of the through railway line to Bombay, that a counterbalancing cause exists in

> "The healthy practice of our Courts in disallowing as a rule prospective interest after passing of decrees;"

And he then adds that—

> "It follows that so long as the security is good, and Bonds can be renewed bearing interest, the Courts are not resorted to, and as a matter of fact, some of the larger Bankers in the City only sue when the necessity for realisation or other cause forces legal action. The district litigation therefore, as a whole, assumes a somewhat stationary aspect. Steadily increasing litigation, however, is not at all times a healthy sign. It is an absolute calamity when in any way fostered by the action of our Courts, or when it arises from the steady growth of a technical and litigious spirit among the people. The feature indeed of progressively heavy files is a favourable one, only in so far as it indicates the spread of commercial enterprise, the effect of which, however, would only be slowly seen in the action of the Courts—so that in reality a sudden healthy increase in litigation is ordinarily only possible from the opening of new Courts in localities where facilities for enforcing claims did not previously exist. The Courts in this district being of old standing, any large increase of litigation is not to be expected, nor would such increase in itself be a proof of improvement or prosperity."

Seoní.—From 1864 to 1869 the returns of this district were almost stationary, and then in 1870 there is a great jump from 1,387 to 2,185 cases, or 57 per cent. The improved harvests, and the consequently greater ability of debtors to pay, are given as the reasons for the increase by the Deputy Commissioner.

Mandla.—The increase is the same as in 1869. The following remarks are extracted from the Deputy Commissioner's report:—

> "The increase in the amount of litigation in the Station Court is attributable principally to money transactions brought about by the supply of timber for sleepers taken to Jabalpúr through Mandla from the Topla Forests. Large numbers of persons were employed, and as the operations ceased in June 1870, debts then due were sued for in subsequent months. The increase in the Court of the Tahsíldar of Ramgarh is, I think, due to his having been told to let the people thoroughly know the facilities afforded to adjust their claims.

> "The Tahsíldar had been also questioned by me as to the cause of the sale of so little Stamp paper for private monetary transactions; and, on his not giving a very satisfactory explanation, he was directed to inform the community in general, and particularly the Malgúzars when they came to pay in their revenue, that it would cost them very little to sue in Court for small sums.

> "The value of Stamp paper required for suits was also to be explained to the people; a notice in Hindi being put up in the Tahsíl Court-room to that effect. With the exception of one case, all the suits at the Ramgarh Court were for sums not exceeding 50 rupees, or for the value thereof.

> "In Mandla it is of course different. Two years' transactions in the matter of railway sleepers had resulted in extensive dealings. Contracts for the supply of grain for the workmen in the Topla forests; contracts for the conveyance of timber by land and by water to Jabalpúr, &c. &c. There arose also a great many cases of petty dealings (ending in parole debts) for food and clothing supplied."

Hoshangábád.—As there was a decrease of over 400 cases in 1869, as compared with 1868, the increase in 1870 is not quite so serious as it at first looks. Still, comparing the figures with those of 1868, there is an addition to the files of

more than 1,200 cases in 1870. This augmentation principally occurred in the Court of the Extra-Assistant Commissioner at Seoní, and, so far from being able to account for this, the Deputy Commissioner assigns reasons which would account for a decrease instead of an increase in that Court. Nor can the Deputy Commissioner or Commissioner give any explanation for the general increase in this district.

Betúl.—The figures are almost the same as those for 1868.

Narsinghpúr.—There has been a steady increase since 1867. The Deputy Commissioner attributes the present increase to the reduction of Stamp fees on the institution of suits, effected by the Court Fees' Act, and to the increased "popularity" of the Courts, especially of the Station Court.

Chhindwárá.—Here too there has been a steady and rapid increase for many years. The reasons given by the Deputy Commissioner are—first, that the increase in the cost of the necessaries of life has thrown the poorer classes more into the power of money-lenders; second, the increased facilities offered by the Courts for the disposal of suits; and third, the increased civilization of the people.

Ráipúr.—In this district there has been the enormous addition of 1,141 cases to the 1,982 of the preceding year. The tide of litigation has been steadily advancing since 1867. The following extract from the Commissioner's report gives an explanation:—

"The Deputy Commissioners of Ráipúr and Biláspúr have furnished explanations regarding the remarkable increase in the number of suits instituted during the year under report, as compared with the preceding year. There can be no doubt that the famine which occurred in 1869 interfered greatly with Civil litigation in that year. The past year has, however, been a particularly favourable one; business transactions have consequently increased, and with it, of course, litigation. It is worthy of note that previous to 1869 the number of suits instituted in Biláspúr for some years considerably exceeded those instituted in Ráipúr, yet the former district is less populous and wealthy, and has certainly nothing like the trade and business going on at Ráipúr. This year, however, a much greater number of suits have been instituted in Ráipúr than were ever instituted before, and in fact the number almost came up to the number instituted in Biláspúr in former years. The figures in the margin* will illustrate what I say, but the difficulty is to account for the fluctuations. There is one fact in connection with the matter, however, which may throw some light thereon, namely, that in the years when Civil litigation prevailed to the greatest extent in Biláspúr, Mr. Beressar Dutt, Extra-Assistant Commissioner, presided over the Station Court at that station, and the same officer held the Station Court at Ráipúr during the year under report. Mr. Dutt is certainly most active in the disposal of Civil business, and his work is generally excellent; it would seem therefore that the popularity of his Court must have had a good deal to do with increasing the number of suits instituted."

Years.	Raipur.	Bilaspur.
	No. of suits.	No. of suits.
1867	1,406	3,762
1868	1,623	3,466
1869	1,961	1,298
1870	3,084	1,841

Sambalpúr.—The increase is but slight.

Biláspúr.—Although the increase in 1870 has been very great (568 cases, equivalent to 43 per cent), yet there were not many more than half the number recorded for the year 1868.

Upper Godávarí.—An augmentation from 159 in 1869 to 289 in 1870, equal to 81 per cent, demanded some explanation, the more so that one of the two Courts of the district was closed during four months of the year; but no explanation has been given.

26. We now turn to the districts and Courts in which there has been a decrease, and here it will be seen that there has been a diminution of work in all the Cantonment Courts of Small Causes.

Courts in which there has been a decrease of suits.

In the Kámthí Small Cause Court.—There is but a decrease of 47 cases, but then it is to be observed that the rate of increase since 1867 has been most rapid.

The decrease in the Jabalpúr Cantonment Small Cause Court is thus accounted for by the Judge :—

> "The falling off during the year under report may I, think be greatly attributed to the introduction of the 'Indian Articles of War,' Act V. of 1869. The Madras Troops have been in the habit of borrowing money to a large extent, and, notwithstanding that the Officers Commanding have always set their faces against bankers and banians lending money to the men under their command, and letting them run into debt, and, notwithstanding the strict orders these officers have invariably issued to their Regiments on the subject, the evil did not stop and a great many cases used to be filed in this Court against Native soldiers. During the year under report very few such suits have been instituted. I have but little doubt that the institutions were stopped because under Act V. of 1869, Part III., Miscellaneous, creditors found it impossible to recover their money. During 1869 there were a great many more suits against soldiers, but executions were not immediately made, and it was upon their application at the end of 1869, and beginning of 1870, for execution of former decrees, that creditors saw their error and the almost uselessness of even holding a decree against the soldiers. Hence suits were not brought against them. I do not think there has been a single institution against a soldier for the last six months in this Court."

The provision of the Act alluded to is in Part III., para. *(b)*, which protects a soldier from arrest for debt, and his pay and allowances from attachment in satisfaction of any judgment against him.

Ságar Cantonment Small Cause Court.—The decrease of 149 cases is, in the Judge's opinion,—

> "Chiefly attributable to a large number of residents of the old Sadar bazar having left Cantonment."

The old Sadar bazar has been demolished.

A'sírgarh Cantonment Small Cause Court—The institutions fell from 293 in 1869 to 165 in 1870. The Judge has jurisdiction only in cases up to Rs. 50 in value. He attributes the remarkable decrease to—

> "Increased fees consequent on the introduction of Act VII. of 1870. In March 1870 there were two stamp vendors at A'sírgarh, but when a reduction in the rate of discount was made, in accordance with Judicial Commissioner's Circular 10-267 of 1870, both at once resigned their licenses, and for a period of about two months no stamps were procurable nearer than Burhánpúr—a distance of twelve miles. The result of this were that in April no suits were instituted, and in May only two. I naturally conceived that this sudden cessation of litigation was owing entirely to the difficulty experienced in getting stamps; but when a licensed vendor was again appointed suitors did not make their appearance to the extent I had anticipated. In the month of June only 13 suits (including one re-institution) were brought on the file; and of the 165 instituted during the whole year, no less than 69 belong to the first quarter. Having been able to discover no other reason, I am led to the conclusion that increased fees are the cause of the decrease."

These remarks are not very satisfactory. It is to be regretted that the stamp vendors were not induced to continue the sale of stamps until a refer-

ence could be made about their commission, or others were procured in their place. As regards the Court Fees' Act, it must be remembered that it considerably enhanced the rates of stamp on plaints in Cantonment Small Cause Courts for claims not exceeding Rs. 30 in value, although it gave a large reduction on claims between that value and Rs. 500, (see Art. 11, Schedule B, Act XXVI. of 1867.)

Bálághát District.—The Deputy Commissioner attributes the decrease of 198 cases (27 per cent) to ordinary fluctuations, but something is most likely due to what has been said above (para. 7) about the unacceptability of the Station Court. There has been an increase in cases not exceeding Rs. 5 in value, but a decrease in all others. The following remarks are extracted from the Commissioner's report:—

> "In the Balaghat district only has there been a decrease in litigation, and this decrease is the more surprising because the sub-montane and populous part of the Bálághát district is in all respects similar to the open part of the Bhandára country, where there was a considerable increase in litigation during the year under report. The falling off in the number of suits at Búrhá (the Bálághát head-quarters) must, it seems, be due to some circumstances connected with the procedure of the presiding Judge, or to the enforcement of the rule whereby all cases of the Hazúr tahsíl, large and small, must be heard in a single Court sitting at head-quarters. Captain Bloomfield's report mentions several reasons which have been assigned for the decrease in litigation. Perhaps the difficulty in the way of appealing (by reason of the remoteness of the Appellate Court) might be one reason for the people keeping out of Court; but I do not think this reason can be at all the main reason, for in these Provinces generally, Civil appeals in petty cases are extremely few; even in Nágpúr, where 4,158 cases were decided by Tahsíldars and Naib-Tahsíldars, only 51 appeals (or about one per cent on the total cases) were appealed to the Deputy Commissioner, whose Court was within 30 miles of the most distant tahsil. Again, in the Brahmapurí tahsíl, where the Deputy Commissioner's Appellate Court is 80 miles from the tahsíl, the litigation has gone on steadily increasing year after year, from a total of 63 cases in the year 1861, to a total of 615 cases in the year 1870.
>
> "I believe the main reason for the Bálághát decrease is, that cases must, under the Station Court rule, be brought in the Extra-Assistant Commissioner's Court, whereas formerly they used to be laid at the Tahsíl; and, as was mentioned in para. 5 of my last year's report, parties in petty suits seem to find the Tahsíl Court more accessible and more comfortable than Courts at head-quarters."

Ságar.—The figures are almost the same as last year. Although there has been a slight decrease of 49 cases, the value of suits has risen from, Rs. 2,59,786 to Rs. 3,39,518. This rise in value is assignable to a few cases before the Deputy Commissioner.

Damoh.—The net result is a decrease of 67 cases. The rise of litigation in this district has not been rapid of late years. There was, however, an increase in the suits instituted in the Hatta tahsíl. The Deputy Commssioner attributes the decrease—

> "To the last very indifferent rabí crops. The greater proportion of the suits in this district are between Mahajuns and cultivators, and the former seeing very little hope of being able to realize their debts, owing to the poverty of the latter, refrained from suing them."

Nimár.—The slight decrease in this district appears to be assignable to some accidental cause. In 1867 the number of institutions fell from 7,561 to 5,541; then they rose in 1868 to 6,508, and in 1869 to 7,854. The institutions for 1870 are considerably higher than those for 1868.

27. Taking a general view of the subject, it may be stated that the increase of litigation is owing to the progress of the Central Provinces in wealth, and to the great facilities which now exist for carrying claims through Court. Prices have risen enormously here, as well as in other parts of India, during the past few years; and the mass of the population being agricultural, the accession to their prosperity has been very large. The number of Courts, the great improvements effected of late years in their machinery, regularity, and accessibility, have exerted a powerful influence; and, during the year 1870, the reduction in stamps given by the Court Fees' Act has, no doubt, combined with a return of favorable harvests, induced an increased resort to the Courts.

Causes of the increase of litigation.

28. It seems, however, desirable to bring to the notice of officers that litigation is an evil, and not a thing to be stimulated by any special measures, such as those adopted by the Deputy Commissioner of Mandla, and noted above (para 25). The duty of the Administration is performed when it has provided a suitable machinery for the adjustment of causes, and has kept it in propor working order. For the rest, the people are free to come to the Courts or to abstain from coming.

Litigation not to be stimulated.

29. The following Table shows the number of the population to each Civil case instituted in the Provinces of Upper India, with which a comparison may be fairly made; the figures of cases instituted being those for 1870 in the Central Provinces, and for 1869 in the other Provinces:—

Table of suits to population.

	Population.	Number of cases instituted.	Number of the population per case.
North Western Provinces . .	30,0[illegible]6,898	71,813	419
Oude . .	11,220,232	27,519	408
Central Provinces . .	9,066,038	72,183	126
Punjab . .	17,596,752	164,595	107

Thus it appears that the litigation of the Central Provinces exceeds that of the North Western Provinces, while its population is not a third as large. On the other hand, litigation in the Central Provinces has not extended to the same proportionate height as in the Punjab. It is to be observed that rent law suits are chiefly classified with Civil suits in the Punjab, whereas they are excluded from the Civil Suit Statements in the Central Provinces. It is a curious fact, that in the districts transferred to the Punjab from the North Western Provinces in 1857, with the exception of the Delhi district, there should be a small amount of litigation corresponding pretty closely with the standard of the North Western Provinces. What is the reason why in the Central Provinces and the Punjab litigation should be so far in excess, with reference to the population, of that of the North-Western Provinces and Oude, the prosperity of whose peoples is probably not less than in the first named Provinces?

30. The following Table gives the districts of the Central Provinces arranged in the order of the number of cases instituted. The population and the number of persons to each case are also shown.

Comparative Table of cases and population for the Central Provinces.

	Cases instituted in 1870.	Population.	Number of persons to each case
Nagpúr ..	13,935	639,341	46
Nimar ..	7,854	190,561	24
Hoshangábad ..	6 750	440,433	65
Narsinghpúr ..	5,657	336,796	59
Ságar ..	4 605	599 217	130
Jabalpúr ..	4,695	498,642	106
Wardha ..	4,277	343,485	80
Chhindwárá .	4 C27	294,818	73
Bhandára ..	3,596	608,480	169
Ráípúr ..	3,123	1,322,662	423
Betúl ..	2,702	258,335	95
Chhándá ..	2,587	537,295	207
Seoní ..	2,185	421,650	193
Biláspúr ...	1.866	780,503	418
Damoh ...	1,693	283.625	167
Sambalpúr ..	959	812,348	848
Balághát ..	727	170,934	235
Mandla ..	656	202,549	308
Upper Godavarí ..	289	324,364	1,122
Total ...	72,183	9 066,038	126

If the population returns are accurate (they have been taken from the last Administration Report) the extent of litigation in Nimár is very remarkable. Notice was taken of this fact in para. 25 of last year's report, and in the extract therein given from the Deputy Commissioner's (Captain Forsyth) report, these reasons were assigned for it, viz., 1st, the complex existing social system, involving intricate interests in landed property; 2nd, the large non-agricultural population, and the consequently large commercial transactions; 3rd, the increasing population, owing to immigration from East and West, and increased cultivation carried on with borrowed capital; 4th, the litigious habits of the people formed by the great facilities for litigation that have been afforded them for many years. Remarks have been made on this subject by the Commissioner of the Narbadá Division and by Messrs N. K. Bose and L. Neill; and as they are too long for extraction here, they are given in Appendix C., together with Captain Forsyth's observations, to which they refer. It seems to be clear that the first cause assigned by Captain Forsyth is not at work, because hardly any suits connected with land are instituted. 65 per cent of the total suits instituted in 1870 are on bond debt, and 14 per cent on simple debt. There are only 19 suits regarding the relative rights of holders of land, and 154 suits relating to immoveable property of all kinds. Nor are the people more fractiously litigious than elsewhere, for the percentage of contested cases is the same as the average for the Provinces; and while the percentage of cases decided *ex parte*, on confession or compromise in the Central Provinces is 60, the percentage in the Nimár district is 62. No doubt the existence of an unusually large non-agricultural population, and the central situation of the district, as regards some main lines of trade, are valid reasons for a larger proportionate recourse to the Courts than elsewhere: but still they hardly seem sufficient to account for the excessive number of suits instituted in proportion to the population. It is quite possible that the large number of Courts that were opened before the Central Provinces were placed under a Chief Commissioner, and the great facilities then accorded, and continued up to the present time, may have been one of the chief causes of the result we now contemplate; and this conclusion would seem to derive some support from the fact alluded to by Mr. Neill and Mr. N. K. Bose, viz., that in a large proportion of claims laid on bonds, these instruments are not for a fresh consideration, but are renewed securities given in satisfaction of previous decrees of Court. In order

to ascertain the extent to which suits are brought on such bonds, the Deputy Commissioner has been requested to keep a record of those that are instituted during the last eight months of 1871. The increasing prices of food of late years have no doubt driven the non-agricultural classes to borrow largely.

Value of suits.

31. The following figures are abstracted from Statement B7 :—

	No. of suits.	Percentage of suits.	Average value.
Suits not exceeding in value 5 Rupees.	8,040	11·3	3·4
Do. 50 „	46,213	65·1	21·0
Do. 100 „	8,874	12·5	69·5
Do. 500 „	6,909	9·7	190·0
Do. 5,000 „	920	1·3	1241·6
Do. 10,000 „	36	0·1	7107·5
Exceeding 10,000 „	20		35129·2
Total ..	71,012	100·0	71

The average value has risen from Rs. 64 to Rs. 71. The districts in which this average is much exceeded are Nágpúr 141 and Jabalpúr 203. In Jabalpur the average in 1869 was Rs. 99, and the Deputy Commissioner thus accounts for the sudden increase:—

"There have been a large number of claims to landed property. Heavy debts which were not enforced during a period of scarcity and distress, have, with the return of agricultural prosperity, been brought into Court, and mercantile transactions are assuming a more important character from the rapidity of communication with other parts of India."

The districts whose figures are much below the average for the Province are Bálághát 42, Mandla 41, Betúl 41, Nimár 43, Chhindwárá 36, and Sambalpur 40.

Suits not exceeding Rs. 100 in value.

32. The percentage of suits not exceeding Rs. 100 in value is 89 for the Central Provinces, the same for Oude, 90 in the Punjab, and 79 in the North-Western Provinces.

Suits not exceeding Rs. 5 in value.

33. The percentage of cases not exceeding Rs. 5 in value is, for the Central Provinces 11, for Oude 10, for the Punjab 9, and for the North-Western Provinces only 3.

Description of suits.

34. The character of the litigation is of the simplest kind. More than half the total number of suits instituted are for debts secured by bonds, 13 per cent are for simple debt, and only 5 per cent for personal property or the value thereof. These proportions are just the same as last year. There has been a large proportionate increase in suits relating to marriage, and in suits for partition of immoveable property, but the figures under these heads (283 and 272 respectively) are low in the aggregate.

Suits for land in the Raipur and Bilaspur districts.

35. The following extracts are here made regarding suits for immoveable property in the Ráipúr district, in connection with the equity of redemption of mortgages by conditional sale within one year after the suit for foreclosure has been instituted.

Deputy Commissioner, Ráipúr (para. 22.)

"As regards the character of the litigation, the only noticeable point is the marked increase in the number of suits relating to immoveable property; the cause of this is very easily explained. During the famine season numbers of Málguzárs in the Simgá and Ráipúr tahsils sold or mortgaged their villages when reduced to straitened circumstances, and at first, when the mortgagees pressed their claims, I, as district officer, looking to the visitation of Providence which had caused these unhappy men to part with their ancestral property, took their part and enforced the provisions of Regulations XVII. of 1806, which gives a year's grace to enable men to clear ancestral property. But in April, General Circular No. 15*308 came out, declaring that Regulation XVII. of 1806 was not applicable to these Provinces, on which the mortgagees flocked to the Civil Courts to enforce their claims. I have known villages sold for five khundies of dhán, and such like totally inadequate considerations. I then wrote my No. 3179 of 12th September 1870, in behalf of these people, in my capacity of Collector of the district, and have as yet received no reply. This subject, viz., the duty of Deputy Commissioners jealously to guard the rights to ancestral property conferred in the late Settlement, was specially noted by the Chief Commissioner in his Review of the Annual Civil Report for 1869, para. 9, and if this is necessary when decrees of Court have been obtained, how much more so when iniquitous bonds have been extorted from landholders under the pressure of famine and want; and I would take the liberty of again bringing the matter to notice in this Report."

Commissioner, Chhattisgarh Division (para 9.)

"The remarks contained in paragraph 22 of the Ráipúr report regarding the increase in the number of suits relating to immoveable property deserve notice.

"It would appear that the bulk of the suits under this head are cases in which mortgagees of villages sued to foreclose, and in which immediate possession was decreed in consequence of the Regulation XVII. of 1806 having under a late Circular been declared inapplicable to these Provinces. Captain Lugard dwells on the hardship which has thus been entailed on many landholders, who in the season of scarcity had to mortgage their villages for a mere song, to enable them to live, and he goes so far as to say that he has known cases in which villages have been sold for five khundies of dhán, or paddy, worth about Rs. 5. These must be very extreme cases, and one could only argue therefrom either that the seller's credit must have fallen very low, or that little or no value is attached to the possession of land in Ráipúr. The fact is, however, as I have reported elsewhere, that a good many of these mortgage cases took place in the Lowun tract, where a number of very poor Thekadárs, or sub-farmers, were appointed proprietors at the time of Settlement, to the exclusion of the former Tálukdár. The consequence was that, having been always dependent on the Tálukdár for seed grain and assistance in times of scarcity, they collapsed at once when the crop of 1869 failed, and had to resign their recently acquired rights to the former Tálukdár in exchange for advances of grain to enable them to live. The Tálukdár has thus recovered a very large number of his former villages; and considering that he felt himself very hardly dealt with at the time of Settlement, it is not to be wondered at that he took advantage of the scarcity to recover what he viewed as his own, or to enforce the law to the utmost. To such impoverished creatures as these petty landholders, it is a question whether the year of grace before giving possession would have been of much benefit, and they certainly could hardly have remained in the management of their villages, with credit to themselves or with advantage to the cultivators. There can be no doubt, however, that the Circular referred to by Captain Lugard seemed to imply most distinctly that as Regulation XVII. of 1806 was not applicable to these Provinces, grace in the cases under notice could no longer be allowed under the law. That was the view that I took myself, but at the same time in support of Captain Lugard's representations, I submitted his letter to the Secretary to the Chief Commissioner, together with a recommendation that something might be done to alleviate the hardship complained of. The late Book Circular of the Judicial Commissioner, No. II., dated 9th February 1871, has, however, now disposed of the question satisfactorily, and henceforth a year's grace will always be allowed.

* No. 3179, dated 12th September 1870.

"It would also appear from the report of the Deputy Commissioner of Bilaspúr, that there have been several suits to foreclose mortgages of landed property in his district, but his returns only show one suit under the heading 'relating to immoveable property.'"

Costs.

36. There have been two main causes at work special to the year,—one tending to increase costs, viz., the omission from the Court Fees' Act of the section in the previous law allowing the refund of the stamp on plaint in the event of a compromise being effected; and the other, Schedule I. of the Court Fees' Act, which effects a considerable reduction in the stamps on plaints. The general result should be a considerable reduction in the proportion of costs to value.

Accordingly, the statistics show that the percentage of costs to value for the Province has fallen from Rs. 13-2-0 to Rs. 11-1-0, or about 15 per cent.

Comparison of reduction of costs with reduction of stamp fee on plaints.

37. The annexed figures show the percentage of reduction in value of the initial stamp and the actual reduction of the percentage of costs to value in the lower classes of suits. In suits above Rs. 1,000 the rates are so graduated that it is difficult to show the comparison in the different classes:—

	Percentage of reduction in stamp duty on plaints.	Percentage of reduction in costs to value actually obtained.
In suits not exceeding Rs. 5 ...	62	34
Do. „ 50 ...	25	6
Do. „ 100 ...	25	14
Do. „ 500 ...	25	15

The reduction in costs could not be expected to stand at so high a proportionate figure as the reduction in the plaint fee, because the Court Fees' Act was only in operation for nine months of the year, and, as before stated, no refund of the stamp in cases compromised is now allowed. And in Cantonment Small Cause Courts there has been actually an increase in the fee on plaints for less than Rs. 30.

Comparative Table of costs in districts.

38. The annexed comparative Table, however, shows some startling anomalies. Thus, in suits not exceeding Rs. 5 in value, the percentage of costs has actually risen in the Nágpúr, Jabalpúr and Mandla districts. In some other districts the decrease has been very great, as for instance in Narsinghpúr, where the diminution amounts to 50 per cent. Then, taking the total of all classes of suits, it appears that in the Nágpúr, Bhandára, Bálághát, Mandla, Narsinghpúr, Nimár, and Sambalpúr districts there has been a much less decrease than the average for the Province; while in the Seoní district there has been a positive increase of 14 per cent. On the other hand, there are some districts * in which the reduction far exceeds the provincial average. No satisfactory explanation has been given for the increase in the Seoní district.

* Chanda, Wardha, Upper Godavari, Jabalpur, Damoh, Raipur and Bilaspur.

COMPARATIVE STATEMENT of proportion of costs to value in Civil Suits in the several Districts of the Central Provinces.

VALUES.		Proportion of Costs to Value.																		Total.
		Nagpur.	Bhandara.	Chanda.	Wardha.	Balaghat.	Upper Godavari.	Jabalpur.	Sagar.	Seoni.	Mandla.	Damoh.	Hoshangabad.	Narsinghpur.	Nimar.	Betul.	Chhindwara.	Raipur.	Bilaspur	Sambalpur.	
Not exceeding Rs. 5	1869	43·2	51·6	55·3	51·3	63·3	59·7	46·3	47·5	59·3	44·7	68·8	71·9	60·0	55·6	70·1	54·1	55·8	57·9	59·8	52·3
	1870	49·2	35·5	34·9	25·3	32·7	45·0	49·8	44·8	34·9	45·7	44·6	34·7	29·6	24·0	37·3	40·2	30·9	45·0	47·1	35·0
Ditto „ 50	1869	17·5	16·0	16·4	17·4	17·7	21·6	18·1	19·9	14·6	19·5	24·6	20·6	16·3	15·8	18·5	18·2	18·5	18·5	16·4	17·8
	1870	16·6	15·5	14·4	10·9	16·5	22·0	16·9	20·0	20·3	16·8	21·6	17·1	15·6	14·6	13·6	17·1	13·4	18·2	16·5	16·0
Ditto „ 100	1869	14·5	12·0	13·4	15·5	12·2	16·9	15·4	16·0	11·8	16·4	18·6	15·7	13·2	13·2	13·5	13·3	12·6	12·9	11·1	14·2
	1870	13·7	11·5	11·1	12·2	11·4	15·5	12·6	18·5	13·6	11·5	16·1	11·8	13·4	12·6	11·5	11·8	9·1	11·6	10·7	12·6
Ditto „ 500	1869	14·6	12·8	11·8	12·7	11·3	11·9	13·5	14·5	9·3	14·2	17·1	12·8	13·3	11·5	11·7	12·9	11·5	11·2	10·7	13·4
	1870	12·4	11·2	10·3	11·8	10·5	9·2	11·6	13·8	11·8	10·3	14·4	10·2	12·0	11·1	10·8	10·5	8·9	9·8	7·5	11·4
Ditto „ 5,000	1869	12·6	9·6	11·6	13·6	7·8	15·7	13·7	12·3	10·0	7·8	15·7	9·7	10·5	9·9	7·7	11·9	9·0	9·5	8·8	11·3
	1870	12·3	12·1	7·6	11·4	9·1	6·8	11·6	13·7	10·1	7·1	11·8	9·1	10·9	9·7	8·0	6·8	7·5	8·0	6·8	10·8
Ditto „ 10,000	1869	10·8	...	..	11·6	..	..	6·1	5·9	.	..	..	6·6	10·2	5·6	...	..	...	5·7	..	8·6
	1870	7·7	10·7	5·0	7·0	..	...	11·1	8·1	..	..	16·1	6·9	8·8	..	..	...	5·7	..	..	8·2
Exceeding „ 100,000	1869	5·9	..	..	...	...	...	...	...	...	...	..	4·9	6·8	10·5	..	...	..	..	..	6·2
	1870	4·4	...	2·1	...	...	..	9·9	5·9	...	...	..	1·1	5·7	...	...	...	4·3	4·0	..	4·0
Total.....	1869	11·5	12·9	13·6	14·1	12·6	15·1	14·5	14·8	11·3	13·1	19·7	11·9	11·9	12·8	13·8	15·2	12·4	13·1	13·3	13·2
	1870	10·2	12·3	6·5	11·0	12·5	11·	11·8	13·1	13·2	12·3	16·5	9·6	11·0	12·4	11·8	13·1	8·8	11·1	12·0	11·1

Increase of costs caused by summoning witnesses as a rule at the first hearing.

39. On this subject of costs the Deputy Commissioner of Bálághát has made the following remarks :—

"The chief items in the costs have, I believe, been talabána and diet money to witnesses, and these have been in very many instances unnecessarily increased by the too free use of the power conferred by Section 149 of Act VIII. of 1859, to summon witnesses at the same time as the defendant. In petty cases especially, plaintiffs not unfrequently put the defendants into Court, because they know that so soon as they are summoned they will either pay up at once, or appear in Court and acknowledge their liabilities. In all such cases the costs incurred in summoning and dieting witnesses are unnecessary. The presiding Judges know full well the great stress which is placed by supervising authorities on shortness of duration; they therefore do not hesitate to get over their cases as quickly as possible, notwithstanding that it has to be accomplished at the expense of litigants."

On this the Commissioner of Nágpúr observes, that he does

"Not agree in Captain Bloomfield's view regarding the inexpediency of granting summonses to the plaintiff's witnesses before the defendant has come to Court. Under standing orders* Courts are ordinarily to set down cases for 'final disposal' at the first hearing, and it seems to me that these orders are sensible, for it must be best both for the parties and for the Courts that there should be as few hearings as may be compatible with the just decision of the issues in every case. The Courts never summon witnesses unless plaintiffs specially move them to do so under Section 149 of Act VIII. And in very petty cases plaintiffs do not ordinarily make applications under this Section. When they do make applications, then it seems to me quite clear that, as the law stands, no Court can decline to grant summons to witnesses when an application is made under Section 149 in a case set down for 'final disposal.'"

* Judicial Commissioner's Rulings, page 42, para. 20.

"If, on the other hand, petty cases are not set down for 'final disposal' at the first hearing, then there might arise a question whether another adjournment for final disposal might not be obligatory.'"

40. It is certainly right that in simple cases the summons to the defendant should be for final disposal, and that the application of the plaintiff for the summoning of the witnesses at the first hearing should be complied with It does not follow that because a case is set down for final disposal it is to be decided at the first hearing. If any contention arises and the necessary witnesses are not present, the Court would be bound to frame the issues and grant an adjournment. But from a petition lately presented to the Officiating Judicial Commissioner by several of the traders of Gádarwárá, and from enquiries which he has made, he has reason to know that in some districts it has come to be an understood thing that the plaintiff is to apply for the issue of summonses to his witnesses, and that witnesses are so summoned in cases in which the defendant confesses judgment, and in which he was expected to confess judgment. The prayer in the petition alluded to was, that the summoning of witnesses at the first hearing might not be obligatory on the plaintiff, on the score of expense and annoyance. Considering that there were 19,760 cases decided in 1870 on the confession of the defendants, it is probably far below the mark to say that ten thousand witnesses were summoned in these cases; that is to say, that ten thousand men were called away from their homes and occupations without any advantage and at a considerable expense. It therefore seems necessary that the Courts should be careful to do away with the impression, where such may be found to exist, that it is incumbent on the plaintiff to apply for summonses for his witnesses whether he thinks it necessary or not The slight increase to the duration of suits that may be expected to occur is not to be for a moment considered when the interest of such a large number of persons who may be summoned as witnesses is at stake.

C.—The General Distribution and Result of the Trial of Civil Suits by the Courts of Original Jurisdiction.

Distribution.

41. Cases were decided by the Courts as follows :—

	Number of Cases.	Percentage.
Small Cause Courts	12,036	17
Courts of the Tahsfldár and Naib Tahsíldár...	30,186	42
Court of the Assistant Commissioner ...	29,835	41
Courts of the Deputy Commissioner ..	334	0
	72,391	100

In 1869, 47 per cent were decided by Tahsíldárs, and 35 per cent by Assistant Commissioners and Extra-Assistant Commissioners. The following table of suits disposed of by Tahsíldárs and Naib Tahsíldárs, Assistant Commissioners and Deputy Commissioners, shows great variations in the use of the different Courts. Such variations are to be expected.—

Districts.	Tahsildars and Naib-Tahsildars.	Assistant Commissioners.	Deputy Commissioners.
Nágpúr ...	4,137	1,545	18
Chándá ..	1,784	860	10
Bhandára ..	2,234	1,361	1
Wardhá ..	2,387	1,802	13
Bálághát ...	442	294	4
Jabalpúr ..	995	715	8
Ságar ...	2,590	1,477	7
Damoh ...	459	1,247	7
Seoní ..	1,134	1,000	23
Mandla ..	178	474	3
Hoshangábád ..	3,412	3,365	21
Betúl ...	1,418	1,326	..
Nimár ...	1,338	6,491	12
Narsinghpúr ...	3,214	2,476	19
Chhíndwárá ..	1,833	2,148	3
Ráipúr ..	741	2,341	6
Sambalpúr ..	856	56	19
Biláspúr ...	1,034	795	2
Upper Godávarí District ...	...	122	156
	30,816	29,835	334

Method of disposal.

42. Of the 72,384 cases disposed of, there were

Withdrawn or struck off without trial or decree 12,105, or 17 per cent.

Uncontested, viz., decided *ex parte*	...	12,848 or 18	per cent
by confession	..	19,760 „ 27	„
by compromise and consent	...	10,636 „ 15	„
by arbitration	...	542 „ 7	„
Total uncontested	..	43,786 „ 60	„
Contested—Decreed for plaintiff in whole	..	7,086 „ 10	„
„ „ in part	..	4,757 „ 7	„
„ for defendant	...	4,657 „ 6	„
Total contested	..	16,500 „ 23	„

43. It was noticed in the report for 1869, that the statistics falling under the headings withdrawn, confession, and compromise, and contested, were not reliable, because they were collated in the various offices on different principles. A Book Circular, No. II, dated 7th March 1870, was issued in the beginning of 1870 prescribing the precise method of classification of suits for the purpose of the above headings, and no doubt the figures now given for 1870 are correct. But they do not admit of comparison in detail with those for 1869 A comparison even of the contested suits in both years is not safe. 23 per cent of the total cases disposed of were contested in 1870; but in the Tahsíldárs' and Naib Tahsíldárs' Courts only 19 per cent were contested, whereas in Small Cause Courts and in Courts of the Assistant Commissioner the proportions are 24 and 25 per cent respectively. It is remarkable that in the Court of the Tahsíldár of Khorai, in the Ságar district, out of 447 cases disposed of, only 6 were contested. The Deputy Commissioner explains that he can only atribute this result

Comparison of cases withdrawn, *ex parte*, &c.

> "To the personal influence and popularity of Madad Imâm. People are always ready to listen to any suggestion of his, and an appeal against any order of his is almost unheard of."

The attention of the Commissioner has been called to this,

There are several other Tahsíldárs and Naib Tahsíldárs in whose Courts the percentages of contested suits are very low, ranging from 7 to 13 per cent. It is understood that Madad Imám has been in the Khorai tahsíl for the last ten years.

44. *Ex parte* cases have increased from 14 per cent in 1869 to 18 per cent. This is owing to the more sparing issue of warrants for the arrest of non-attending defendants. In the wilder parts of the country the people probably consider a summons tantamount to an order to attend, as stated by the Deputy Commissioner of Sambalpúr. But in the more civilized portions it is now beginning to be understood that default on the part of the defendant is usually tantamount to confession. Although there are great differences in the proportion of *ex parte* cases in the various districts, it will be found that a high proportion of such cases is almost invariably accompanied by a low proportion of confessions, and the reverse.

Ex parte cases.

45. 542 cases were submitted to arbitration in 1870, as compared with 576 in the previous year. There is a general consensus of opinion that arbitration is not desired by litigants generally. In the first place, the simple character of the suits precludes the possibility of any great recourse to this method, and then the feelings of the parties seem to be against trusting to the honor of their brethren, and averse from surrendering the right of appeal. Allusion is made in two or three of the reports to some degree of pressure being brought to bear on parties to induce them to consent to a reference to arbitration. Considering the finality accorded by law to judgments passed in accordance with the award of arbitrators, the only safe general rule seems to be to leave the parties unfettered, though there may occasionally be cases in which the Court may advise a resort to arbitration.

Arbitration.

46. 1,717 suits were pending at the close of the year, 34 cases only having remained undisposed of for more than two months. 1,509 of the total number pending were instituted in December. The oldest case was instituted in July 1870. The largest number of old cases was in the Upper Godávarí and Wardhá districts The explanation in regard to the former district may be found in the circumstance that when the Deputy Commissioner goes into camp, there is no Court open at the head-quarters of the

Pending suits.

district, owing to there being no Assistant Commissioner. The explanations about the Wardhá cases are satisfactory. The delay was occasioned by the difficulty of getting processes served on defendants and witnesses residing in Berar. The state of the pending files of the Courts generally may be said to be satisfactory.

Duration of suits.

47. The duration in contested suits has fallen from 20 days in 1869 to 19 days in 1870; and in uncontested suits it has risen from 11 to 13 days. The following figures are interesting:

	Year.	Average duration.	
		Contested.	Uncontested
Central Provinces ...	1870	19	13
Oude ...	1869	22	17
Panjab ...	„	21	14
North-West Provinces ..	„	70	17

The average in the Small Cause Courts in contested suits is 11½ days. In the North-West Provinces in 1869 it was 9 days.

48. In the following districts the duration is high in contested cases:—

Duration high in some districts.

Chándá	..	27 days.
Nimár	...	34 „

The explanation about Chanda is that the duration was enhanced by the numerous transfers of officers during the year, and by sickness, and there is a permanent cause of a high average duration in this district, viz., the great distances that have to be traversed. The high average in Nimár is explained by the Deputy Commissioner to be due mainly to some transfers of officers.

Low duration in some districts.

The duration is very low in—

Damoh	..	13 days.
Ráipúr	...	13 „
Mandla	...	10 „

Special services of Judges.

49. Statement No. VIII. shows the amount of work performed by each officer. The services of several officers have been highly commendable, and the Officiating Judicial Commissioner will have much pleasure in bringing their names to the notice of the Chief Commissioner in a confidential memorandum.

D.—The Appellate Business.

50. There were 2,224 appeals of all kinds before all the Courts during the year; and of these, 2,021 were instituted during the year, as follows:—

Court of the Judicial Commissioner	73
Courts of the Commissioner	986
Courts of the Deputy Commissioner	962
Total ..	2,021

In 1869 the number of institutions was 1,660 or 361 (17 per cent) less than in the year under report. It is to be observed that in the 116 appeals recorded in

the report for 1869 as having been instituted in the Court of the Judicial Commissioner in that year, 73 applications for special appeal are included, which were summarily rejected as inadmissible. There were 81 such applications in 1870, but they have been excluded from the returns of 1870.

51. The increase has been principally in the Jabalpúr, Narbadá and Chhatísgarh Divisions, and in the districts of Wardhá, Hoshangábád Nimár, and Narsinghpúr. The average duration in the Ráipur district (51 days) is unduly high. This is explained to be owing to two cases having been pending for two months, when the incumbent who wrote the report took charge.

Duration of suits in the Courts of the Commissioner.

52. In the Courts of the Commissioner, the average duration and the extent of the pending files are unsatisfactory in the Jabalpúr Division. Relief was given to the Commissioner by transferring some cases to the Commissioners of the Narbadá and Nágpúr Divisions; but there had been such an accumulation of arrears, that the Commissioner, troubled with indifferent health, was unable to clear them off. There is every prospect that during the current year the work will be brought straight.

Pending suits in the Court of the Judicial Commissioner.

53. The Officiating Judicial Commissioner desires to explain that the reason why there were 21 cases pending in his Court at the end of the year to 4 in 1869, is that 15 cases were instituted in December, parties hurrying on their appeals so as to present them before the Court went on circuit.

E.—Execution of Decrees.—*Statements B10 and IV.*

Amount of business.

54. There were 41,829 applications for execution, against 36,519 in 1869. The work under this head keeps pace with the large number of institutions. Execution was taken out during the year of 16,127 decrees of previous years.

55. 14,341 decrees were completely, and 10,371 were partially, executed. In 14,341 cases in which application for execution was made, there was no execution at all. The districts in which there were the largest number of cases in which no execution was obtained are Nágpúr 1,181; City Small Cause Court, Nágpúr, 1,609; Cantonment Small Cause Court, Kamthí, 920; Sagar, 1,078; Hoshangábád, 2,007; and Narsinghpúr, 1,889.

Results of execution cases in different districts.

56. The best results are shown in Chhindwárá, where there are 1,449 entire or partial executions to 279 cases of no execution. The following observations of the Deputy Commissioner of this district are extracted:—

> "With reference to verbal applications for execution of decrees (of a certain kind), I last year stated that I was unable to account for the little advantage taken of what in realty was an undoubted boon, the total number of verbal applications in 1869 having been only three.
>
> "In the year under report the number of such applications has been 327, which would show that previously the Judges had not given decree holders every facility, as they should have done, and that now the concession, as regards the particular class of suits to which verbal application is restricted, is fully appreciated."

Sales of real property.

57. There were 2,497 sales of real property, against 2,411 in 1869.

58. The sanction of the Judicial Commissioner was given to the sale of ancestral landed property in 97 cases, against 71 in 1869. But there were other

transfers of land, sanctioned by Commissioners, for the district reports specify the number of sales as follows, and there possibly may be others which have not been mentioned :—

Narsinghpúr	...	..	..	6
Betúl	..	..	...	98
Damoh	..	...	...	3
Wardhá	..	...	...	4
Jabalpúr	...	...	...	1
Nimár	...	...	...	7
				119

and, in addition, possession was given of five villages in the Biláspúr district in accordance with decrees for foreclosure of mortgage, in which no equity of redemption was reserved to the mortgager.

Question of sale of land in execution of decrees recently reported.

59. The subject of the sale and temporary alienation of landed property in execution of decrees has lately been reported on in detail by the Officiating Judicial Commissioner (letter to the Secretary to Chief Commissioner No. 260, dated 3rd March 1870).

Imprisonment for debt.

60. The number of persons imprisoned for debt has fallen from 922 to 833. Pains are taken to inform all imprisoned debtors of the means for their release provided by the Civil Procedure Code.

Procedure in execution of decree cases

61 The Officiating Judicial Commissioner bears testimony to the careful way in which the proceedings in cases of execution of decree are conducted. In some districts, notably Jabalpúr, Narsinghpúr and Hoshangábád, some of these cases are very intricate and lengthy, the original decrees sometimes dating back even 25 years. Every care is given to protect the interests of the judgment debtors.

Issue of processes and process fees.

62. Although the number of processes issued has increased to 311,517 from 261,488 in 1869, yet the expenditure has fallen from Rs. 69,771 to Rs. 61,113 in 1870. The surplus of the year was Rs. 86,671, compared with Rs. 55,837 in 1869. This satisfactory result is attributable to the careful arrangements made by Major Mackenzie for keeping down the process serving establishments to the lowest possible standard.

Conclusion.

63. In conclusion, the punctuality with which the reports from Deputy Commissioners and Commissioners have been rendered is acknowledged.

I have the honor to be,

Sir,

Your most obedient Servant,

T. DRYSDALE,

Registrar.

APPENDIX A.

STATEMENT showing the distribution of the Subordinate Civil Courts at the close of the year 1870.

District and Year.	Courts of the Assistant Commissioner.	Courts of the Tahsildar.	Courts of the Naib Tahsildar.	Remarks.
Nagpur .. { 1869	1	3	3	
{ 1870	1	3	3	
Chanda ... { 1869	1	3	0	Of the two additional Courts of the Assistant Commissioner, one was that of the Assistant Commissioner of the first class who tried suits beyond the powers of the Judge of the Station Court, who was only an A sistant Commissioner of the second class; and the other was a former Settlement Deputy Collector specially told off to try claims connected with land.
{ 1870	3	3	0	
Bhandara ... { 1869	1	3	0	The Court of the Tahsildar, Paoni, was abolished during 1870. It was only opened experimentally in 1869; and it was found that there was not sufficient business to warrant its being maintained.
{ 1870	1	2	0	
Wardha ... { 1869	2	2	0	A Naib Tahsildar's Court was opened during the year at Arvi.
{ 1870	2	2	1	
Balaghat ... { 1869	0	1	1	The Tahsildar for a time was relieved of all Civil work, but the single Court under the Extra-Assistant Commissioner was not popular, so suits of small value were again made over to the Tahsildar.
{ 1870	1	1	1	
Upper Godavari ... { 1869	1	0	0	The Extra-Assistant Commissioner was transferred in November, and arrangements for a Subordinate Civil Court were not made before the year closed.
{ 1870	0	0	0	
Jabalpur ... { 1869	1	2	1	
{ 1870	1	2	1	
Sagar .. { 1869	1	4	2	In 1869 the single Court system was not followed at Sagar, and the Tahsildar presided over what was styled the Junior Station Court. In 1870 the single Court system was enforced, the Tahsildar relieved of Civil work, and the Station Court made over to a Native Extra-Assistant Commissioner. The second Court of the Assistant Commissioner is that of the European officer who tries the few suits in which Europeans are concerned. The Court of the Naib Tahsildar, Banda, was closed on the 30th June 1870, on the incumbent being promoted to charge of the Naib Tahsildar's Court, Rehli. There he was accused of bribery and he has since been convicted, so the Rehli Naib-Tahsildar's Court has also been closed.
{ 1870	2	3	0	
Carried forward .. { 1869	8	18	7	
{ 1870	11	16	6	

District and Year	Courts of Assistant Commissioner.	Courts of the Tahsildar.	Courts of the Naib Tahsildar.	REMARKS.
Brought forward .. 1869	8	18	7	
1870	11	16	6	
Damoh .. 1869	1	1	0	
1870	1	1	0	
Mandla ... 1869	1	1	0	
1870	1	1	0	
Seoni .. 1869	1	2	0	The single Court system at District head quarters had to be departed from in 1870, as the Assistant Commissioner appointed to charge of the Station Court had only powers of an Assistant Commisioner of the 3rd class, and suits beyond Rs. 500 in value went to an Assistant Commissioner with higher powers.
1870	2	2	0	
Hoshangabad ... 1869	3	2	0	
1870	3	2	0	
Betul .. 1869	1	1	1	The Naib Tahsildar's Court at Multai was closed on the 18th May 1870, on the promotion of the Naib Tahsildar.
1870	1	1	0	
Narsinghpur ... 1869	1	2	1	
1870	1	2	1	
Nimar .. 1869	4	3	0	
1870	4	3	0	
Chhindwara .. 1869	1	1	0	It was found that the single Assistant Commissioner now allowed to this district could not be spared for Court work entirely, so the Tahsildar at Chhindwara was required to take up Civil suits within his powers.
1870	1	2	0	
Raipur .. 1869	1	3	0	
1870	1	3	0	
Sambulpur ... 1869	1	2	0	
1870	1	2	0	
Bilaspur .. 1869	1	2	0	
1870	1	2	0	
Total.. 1869	24	38	9	
1870	28	37	7	

APPENDIX B.

STATEMENT showing the number of Suits instituted (and re-instituted) in the Civil Courts of the Central Provinces from 1862 to 1870.

Year.	Nagpur.				Chanda.	Bhandara.	Wardha.	Balaghat.	Jabalpur.				Sagar.			Seoni.	Damoh.	Mandla.	Hoshangabad.	Betul.	Nimar.			Narsinghpur.	Chhindwara.	Raipur.	Bilaspur.	Sambalpur.	Upper Godavari.	Grand Total.
	District.	City Small Cause Court, Nagpur.	Cantonment Small Cause Court, Kamthi.	Total.					District.	City Small Cause Court, Jabalpur.	Cantonment Small Cause Court, Jabalpur.	Total.	District.	Cantonment Small Cause Court, Sagar.	Total.						District.	Cantonment Small Cause Court, Asirgarh.	Total.							
1862..	3,349	1,622	1,612	6,583	667	1,750	658	...	1,619	315	504	2,438	2,313	601	2,914	806	760	369	2,016	1,058	..	..	...	2,121	705	1,326	163	345	7	24,666
1863..	3,020	1,436	2,338	6,794	687	1,634	592	..	1,385	1,321	686	3,392	2,380	572	2,952	973	729	201	2,202	1,142	..	..	..	2,691	1,038	820	222	201	35	26,305
1864..	2,647	1,692	1,706	6,045	716	1,692	490	..	1,230	1,683	612	3,525	2,109	1,161	3,270	1,280	859	354	3,183	1,228	4,398	..	4,398	2,542	870	1,221	707	275	42	32,697
1865..	2,974	1,288	806	5,068	649	2,076	927	..	1,734	1,739	455	3,928	2,741	709	3,450	1,343	1,377	563	5,887	1,156	3,854	..	3,854	3,558	1,303	1,573	1,781	695	66	39,254
1866..	3,286	2,320	1,017	6,623	1,021	2,420	1,216	...	1,405	1,636	481	3,522	2,988	720	3,708	1,185	1,289	421	5,279	1,194	7,561	..	7,561	3,416	1,345	1,379	2,896	594	163	45,250
1867..	3,390	3,289	1,323	8,002	1,219	2,934	1,893	303	1,685	1,662	296	3,643	2,724	389	3,113	1,263	1,709	380	5,427	1,979	5,541	27	5,568	3,272	1,990	1,406	3,762	592	89	48,544
1868..	4,566	4,060	2,083	10,709	1,636	2,798	3,057	810	1,699	2,052	541	4,292	3,612	559	4,171	1,394	1,631	401	5,494	2,732	6,508	244	6,752	4,125	2,770	1,659	3,466	539	125	58,558
1869...	5,529	4,415	3,454	13,398	2,006	2,814	3,724	925	1,441	1,984	514	3,939	4,052	835	4,887	1,387	1,760	528	5,068	2,354	7,854	293	8,147	4,535	3,340	1,982	1,298	886	159	63,137
1870..	5,648	4,880	3,407	13,935	2,587	3,596	4,277	727	1,725	2,435	445	4,605	4,003	692	4,695	2,185	1,693	656	6,750	2,702	7,689	165	7,854	5,657	4,027	3,123	1,866	959	289	72,183
																													1	
Grades and number of Courts at the close of 1870.																														
	Courts of the Deputy Commissioner.			1	1	1	1	1				1			1	1	1	1	1	2			1	1	1	1	1	1	1	19
	Courts of the Assistant Commissioner.			1	3	1	2	1				1			2	2	1	1	3	1			4	1	1	1	1	1	...	28
	Courts of the Tahsildar.			3	3	2	2	1				2			3	2	1	1	2	1			3	2	2	3	2	2	..	37
	Courts of the Naib Tahsildar.			3	0	0	1	1				1			...	..	..	..	..	..			..	1	..	..	...	..	...	7
	Small Cause Courts, including Registrar's Courts.			4	..	..	..	...				2			1	..	..	..	..	..			1	..	..	...	...	..	..	8
	Total ..			12	7	4	6	4				7			7	5	3	3	6	3			9	5	4	5	4	4	1	99

APPENDIX C.

Extract from Captain Forsyth's Civil Report of the Nimar District for 1869.

"Nimar with its population, according to the census of no more than 194,000, has for years had a greater number of Civil suits than any other district except Nagpur, and in one year even more than the latter district. No single cause can account for this, but I think there are circumstances which, taken together, go far to furnish an explanation. Firstly, I would remark that Nimar is a far older district than any other in the Province. Older I mean as a complex social fabric in which nice conflicting interests are likely to require adjustment. The basis of the population (excluding the aborigines, who 'don't count' in such a question) is a stratum of Rajpoot classes, with their ancient feudal ideas still in a manner surviving, and clinging with a most extraordinary tenacity to every right they possess or suppose they can recover. Overlying them are the immigrants introduced during Mahomedan rule, and holding what was once the estate of the Rajpoots by tenures entirely born of Mahomedan land law. It would require a fuller description than I can give here to explain the strength of the feeling of property which the Wuthundars possess in the numerous personal rights and fragmentary interests which are all that is now left to them of a fully developed, though now obsolete, system of landed property. The recent Settlement has fully defined these various and complex interests, but the result has been that a very much larger number than in most districts of subjects for litigation has been,—I cannot say created, for they existed before,—but rendered tangible, as it were, by the Courts. Again, though the population of Nimar is so small, a much larger proportion of it is non-agricultural than is the case with the rest of these Provinces. Only 25 per cent of the population are agricultural. This means that 75 per cent are in some way or other living by professions and trades, and therefore having monetary transactions and contracts which may result in suits. Nimar is the centre in fact of three considerable lines of through trade, namely, that between Bombay and Malwa, Bombay and the Upper Narbada valley, and the Upper Narbada valley and Malwa. Though most of the great houses in whose hands the bulk of this trade is, have their principal places of business outside the district, yet their agents mostly reside or travel here, and most of the commercial engagements are entered into within the jurisdiction of Nimar Courts. Again, I believe that the population of Nimar is very rapidly increasing by immigration from the Lower Narbada valley and the Bombay districts; and also that a large extension of cultivation and improvement of the land is going on, chiefly by the agency of borrowed capital, which gives rise to money contracts and suits. In fine, Nimar being socially more advanced than most of the other districts, the element of credit has more play in the transactions of the people than elsewhere. But I think that to this must be added something for the litigious habits of the people. They may be said to have been educated into the habit of going to law. When the district was under the administration of the political authorities, law was brought to the very door of the whole population. Besides a Sadar Ameen and three Deputy Collectors, the district was sub-divided into parganas, each of which was furnished with a Kamashdar (Tahsildar with Civil powers). Each pargana was again sub-divided into tuppas with a Mahalkurree (Naib Tahsildar) and a Karkoon having smaller Civil powers. Appeals lay from the latter to the former, from the former to the Deputy Collectors, and from them and the Sadar Ameen to the Political Agent. Altogether in the year before the transfer to the Central Provinces thre were twenty-six Courts within the present limits of the district having powers as noted in the margin.* Litigation cost nothing for a long time, the Stamp Act having been introduced only in 1860. The same causes will in a measure account for the increase during the present year. Both trade and a confirmed habit have a tendency to grow Trade has grown since the former year, as shown by the recorded statistics. The circumstances of the people have been also a good deal worse than last year, food having ranged 25 per cent higher in price. I think that this must certainly have led to a difficulty greater than usual in meeting engagements, and consequently an increase in the number of suits."

*1	Political Agent,	powers unlimited.
1	Sadar Ameen	do. do.
3	Deputy Collectors	do. do.
7	Kamashdars up to	Rs. 100
7	Mahalkurrees up to	Rs. 50
7	Karkoons "	Rs. 15
26	Courts.	

Memorandum by Mr. N. K. Bose, dated 9th January 1871.

"Captain Forsyth in his Annual Report for 1869, at tributes the large amount of Civil litigation in this district to the following causes:—

1stly.—To the fact of Nimar being a far older district than any other in the Province, and having consequently a complex social fabric consisting of several strata of population overlying one another, in which nice conflicting interests are likely to require adjustment, and

which the recent Settlement has fully defined, and thereby rendered tangible, as it were, by the Courts.

2ndly.—To a comparatively small proportion of the people, viz., 25 per cent, being agricultural, which leaves the remaining 75 per cent to occupy themselves with other professions and trades, giving rise to monetary transactions and contracts which may result in suits.

3rdly.—To the people of the district having for a long time been accustomed to litigation by the existence of a number of Courts under the administration of the Political authorities.

As regards the first of the causes referred to above, Captain Forsyth's opinion does not appear to me to be borne out to any considerable extent by the nature and character of the suits commonly brought for adjudication before the Courts. If they were owing, to any appreciable extent, to the dislocation of landed rights caused by the layer of emigrants under the Mahomedan rule overlying the original stratum of Rajpoots, it might have been naturally supposed that some integral proportion of the cases, at least, would have had the settlement of some disputed interests connected with the land for their object. During my short experience of the Civil work of the district, however, I have found this to be far from being actually the case. A *very, very* small proportion of the cases only has any reference to land, and such as might be expected to occur in any place without requiring to be accounted for by the operation of any very special causes. By far the largest proportion of cases (nothing less in fact than nine-tenths of the whole) are, on the other hand, for simple debts, the majority being secured by written obligations, and cannot be accounted for, therefore, by any theory of a disturbance of landed rights.

As to the second of the causes enumerated above there can be no question as to its influencing in a material degree the amount of litigation in the district, but this not exactly in the way (as it seems to me) as supposed by Captain Forsyth. Very few of the bonds which have been filed, in my Court at least, I have found to be based on cash loans or other transactions given or done at the time. The great bulk of them are on the other hand, merely renewed recognitions of some previous claims. Since my attention was called to the subject, too, I have invariably made it a point to trace the date of the real transaction in every case on a bonded debt, but as a rule, in vain. The story commonly told is that the bond is for the balance of some old-standing account which has run on for years, or in lieu of some former unpaid bond. It would seem, therefore, that the current litigation of the district does not represent only its current monetary transactions and other contracts, but also something more; and in this it seems to me is to be sought the clue to the real explanation of its large bulk and extent.

Owing to the rise of prices of produce generally, the other districts of the Central Provinces (as, in fact of the whole country generally) have benefitted largely by wealth being poured into the lap of the agricultural classes, and these classes have been enabled in consequence to shake off the yoke of the money lender and Mahajun. In years of scarcity perhaps they may be under the necessity of resorting to them for help, but at the next full harvest they are able to pay off their claims and so get quit of them. This district, unfortunately, produces only a small part of the food grain required for its consumption, being about 280,000 quarters per annum, which leaves a deficit of 2,000,000 (two millions) quarters*, or more than six-sevenths of the whole quantity required, to be supplied by importation from without. It is clear, therefore, that the rise of prices has not benefitted the people of this district to any very material extent. They groan consequently under the weight of old and long standing debts, of which their brethren in other districts, who are engaged mostly in agricultural pursuits, have been able to get quit and clear. The result is that to save limitation, the very same claims are coming again and again for adjudication before the Courts of this district, and hence litigation appears here to be of so much comparatively greater bulk. Even after decrees are passed they are only in a few cases satisfied by the claims being met by cash payment. In by far the greater proportion of cases (as I have since found by enquiry) the decree is only nominally satisfied by new bonds being executed for the amount of it, and thus the foundation of a new suit for the same claim is laid. The judgment debtor, on his part, thinks only of saving from present attachment and sale what little property he may happen to possess, and cares not for the new burdens which he agrees to lay on himself for this. He has sunk so deep in fact already that he minds not sinking a little deeper in future, if by doing so he can acquire only a little respite for the present.

The object of the creditor, on the other hand, is simply to keep his claim alive and to have a hold on his *Assamees*, by means of which he may realise from them from time to

* "Central Provinces' Gazetteer" page 385.

time their surplus earnings, and he is willing therefore to spare them so long as he has any hopes of this, as by pursuing a contrary course, he would only be likely to spoil his own gain. Altogether, therefore, litigation seems to me to move in a ruinous circle, presenting the same faces at periodic times and to be indicative of an essentially abnormal state of things. Could the decrees passed during a couple of years be satisfied by cash payments, and without any fresh renewal of the claims, I am fully persuaded from the very character of the litigation here that it will shrink considerably in dimensions at once, and retain nothing of its present inflated bulk; for then the business of the Courts will represent only the real and actual transactions of the district, and not be made up of suits necessary for the periodic resuscitation of old and worn out claims; but, unfortunately of course, this can be done by no artificial means. Any interference on the part of the authorities I am afraid will only tend to make matters worse. The desired for consummation can be brought about only by the spread of wealth and intelligence among the lower classes of the district, by the gradual development of its natural resources and trade.

But not only have the people of this district not benefitted to the same extent as their brethren in other districts by the rise of prices, and so been able to get clear to the same extent of the money lender and the *Mahajun*, but they have been under the necessity also of borrowing more than the inhabitants of any other districts of these Provinces perhaps. During the Maratha and Pindaree wars in the early part of the century, the district, as is well known, was repeatedly plundered and devastated alternately by the troops of Scindia and Holkar, and it is hardly to be supposed that trade and industry in those troublous times could have run in their accustomed channels. The labouring classes generally must have been thrown therefore on the mercy of the *Mahajuns* for subsistence, and whether the assistance was given in money or grain it is clear that a very heavy interest must have been charged on it by way of indemnity for the risk of making any advances at all in times so unsafe. And the debts thus contracted would seem to be running on still and kept alive by suits from time to time. The Courts to which Captain Forsyth refers, therefore, as being in existence under the administration of the Political authorities would seem to have been rendered necessary by the very wants of the district when it passed under the British rule, and could not have any very great share therefore in creating or fostering a taste for litigation in the people. In connection with this part of the subject I may state as well that during the short period that I have been here I have not found the people to be of a more litigious turn than in the other districts in which I have been. The number of contested cases I have found on the contrary to be exceedingly small, and by no means proportionately greater than in other districts, and even if by force of habit alone the people here should be supposed to have since acquired a relish for litigation, all that seems to me to be required to cure them of it is that the poor and labouring classes should be able for once to shake off the incubus of the old and long standing obligations under which they are groaning at present."

(Extract from Memo by Mr. I. Neill, Assistant Commissioner.)

"Having only had charge of the Civil Court for the past five months my experience of the nature of the suits is somewhat limited, but from what I have seen I would say that, as regards Burhanpur, the explanation given in last year's Civil Report by Captain Forsyth, of the increasing amount of business in Nimar, is only partially applicable. I do not remember a single case brought by any Rajput or other caste man, for the recovery or maintenance of any feudal rights, nor have any rights either conferred or made tangible by the late Settlement been to any extent the subject of litigation. Neither are the people of this city more litigious than those of neighbouring districts.

The number of cases decreed on confession and compromise prove this, and in addition to those falling under these heads the larger number of those decreed *ex parte* must be added. Certainly, the element of credit has more play in the transactions of the people than elsewhere, but it is a credit which is dribbled out by a lower middle class money-lending community to the poorer town artificers and agriculturists. The rate at which loans are made are higher I think than elsewhere, the usual rate is ½ anna per rupee on a bond payable at a short date, and in default, interest at 1 anna often runs. The consequence of these rates is that the poorer classes hardly ever get out of the clutches of the money lenders. The average of execution cases struck off on full execution may seem a fair one, but in fact cash is often never paid at all, and cash in full hardly ever. The custom prevailing is for say, one-third of the decreed amount to be paid in cash, and a bond is then written for the balance with *sawai* payable in six or nine months, and the same plaintiffs with the same defendants appear periodically before the Court.

(Extract from Civil report of Narbada Division for 1870.)

"Captain Forsyth's suggestive remarks in regard to the Nimar litigation were printed in last year's report, this year there is another decidedly able minute on the subject by Mr. Nobin Kisto Bose. I forward his minute and also another by Mr. Lindsay Neill. Both these officers dispute Captain Forsyth's opinion in regard to one of the believed causes for excessive litigation (the cause of complex interests in landed property). That there are these complex interests in a special degree in this district, and that they had to be dealt with in the late Settlement, is matter without question; but as Mr. Lindsay Neill and Mr. Nobin Kisto Bose show, they have not as yet been much brought forward in the way of Civil litigation, and perhaps Captain Forsyth on this point based his opinion more on what was likely to take place than on what actually had taken place; but all of the other causes mentioned by Captain Forsyth appear to me to hold good, and I doubt whether Mr. Nobin Kisto Bose is right in ascribing so much effect as he does to the custom of judgment debtors partially paying off decrees in cash, and passing fresh bonds for the unsatisfied part, and so being sued again afresh in new suits. Possibly this practice may be unusually frequent in Nimar, but certainly it is not unfrequent elsewhere."

"True Extracts,"

T. DRYSDALE,

Registar.

JUDICIAL STATEMENT B6.

STATEMENT showing the number and description of Civil Suits instituted in the Civil Courts of the Central Provinces during the year 1870.

	DESCRIPTION OF CLAIM.		Number of Cases in different Courts.		District Courts.		Total.
			Small Cause Courts.	Sub-Divisional Courts.	Courts of the Assistant Commissioner.	Courts of the Deputy Commissioner.	
1	Suits for money due on contract.	On written obligation for sum certain (bond debt). ..	5,515	16,249	16,269	110	38,143
2		On unwritten do. do. (simple debt). ...	913	4,782	3,863	15	9,573
3		On account stated. ..	1,075	1,970	2,612	44	5,701
4		Money paid or received. ..	191	344	559	5	1,099
5		Goods sold. ..	2,656	1,755	1,340	50	5,301
6		For breaches of contract not included in above. ..	996	644	618	24	2,282
7	Suits for rent.	..	247	187	370	6	810
8	Suits for personal property or value thereof.		198	2,150	1,907	23	4,278
9	Suits for damages ..	For injuries to the person attended with direct or actual pecuniary damage. ..	..	41	29	..	70
10		For injuries to property. .	100	401	252	1	4
11		For defamation. ...	...	24	30	2	6
12		For other injuries not included in above. ..	26	216	170	2	4
13	Suits to compel specific performance of contract.		1	32	90	..	123
14	Suits to set aside contracts and obligations on account of fraud, mistake, or accident.	...	..	8	22	1	31
15	Suits to compel or prevent particular acts by way of mandamus or injunction.	..	..	15	11	..	26
16	Suits to settle partnership and other accounts.	..	..	59	118	6	183
17	Admiralty and other suits relating to shipping.	...	..	..	..	..	..
18	Suits connected with religion and caste.	...	...	12	7	...	19
19	Suits relating to administration of trusts and religious endowments.	...	..	4	9	..	13
20	Suits relating to marriage, dower, and divorce.	..	..	129	153	1	283
21	Suits to establish or dispute adoption.	..	..	9	7	2	18
22	Suits regarding custody and guardianship of infants and lunatics.	...	..	5	4	..	9
23	Other suits to declare or establish personal rights.	...	..	80	190	1	271
24	Suits to establish or contest wills.	..	..	..	2	..	2
25	Claims to inheritance	Under Hindu Law. ..	..	6	48	9	63
26		Under Mahamedan Law. ..	...	..	8	..	8
27		Under any other Law. ..	..	..	1	...	1
28	Suits to establish or contest the acts of Hindu widows.	..	..	..	2	2	4
29	Suits relating to the revenue.	..	..	33	15	12	60
30	Suits relating to mortgage of immoveable property.	..	..	33	87	11	131
31	Claims in right of pre-emption.	..	...	3	8	1	12
32	Suits to resume or assess rent free lands.	..	..	..	2	..	2
33	Suits regarding the relative rights of superior and inferior holders of land (other than rent suits).	...	...	26	18	..	44
34	Suits for partition of immoveable property.	..	..	62	209	1	272
35	Suits regarding boundaries.	..	...	4	31	..	35
36	Suits relating to real property not included in above.	..	...	508	661	10	1,179
	Total...	1870 .	11,918	29,291	29,227	339	70,775
		1869..	11,377	25,803	21,690	177	62,107

JUDICIAL STATEMENT B7.

STATEMENT shewing value of Suits disposed of in the Civil Courts of the Central Provinces during the year 1870.

VALUE OF SUITS.	Number of Suits disposed of in different Courts.				Total value of Suits.	Total costs in Suits.	Proportion of costs to value.
	Small Cause Courts.	Sub-Divisional Courts.	District Courts.				
			Courts of the Assistant Commissioner.	Courts of the Deputy Commissioner.			
					Rs.	Rs.	
Not exceeding Rupees 5	2,138	3,120	2,736	46	28,054	9,819	35·
Ditto „ 50	7,887	20,290	17,922	114	9,72,622	1,56,244	16·
Ditto „ 100	1,001	3,989	3,862	22	6,17,106	78,181	12·6
Ditto „ 500	859	2,015	3,991	44	13,14,356	1,50,220	11·4
Ditto „ 5,000	45	..	831	44	11,42,279	1,23,996	10·8
Ditto „ 10,000	...	...	..	36	2,55,871	20,990	8·2
Exceeding „ 10,000	..	..	..	20	7,02,585	28,170	4·0
Total.. 1870..	11,930	29,414	29,342	326	50,32,873	5,67,620	11·1
Total.. 1869..	11,377	28,863	21,690	177	39,85,396	5,25,039	13·2

JUDICIAL STATEMENT B8.

STATEMENT showing the general result of the trial of Civil Suits in the Courts of original Jurisdiction in the Central Provinces, in the year 1870.

CLASS OF COURTS.	Number of cases on the file.			Cases withdrawn, transferred, or struck off without trial or decree.	Cases in which decree passed.									Cases pending at close of the year.	Average number of days during which each case lasted.		Number of summonses to parties to appear in person.		Number of summonses to witnesses other than parties.	Number of witnesses who appeared.
					Without contest in Court.					Contested cases tried and decided in Court.										
										In favor of plaintiffs.										
	Remaining from last year.	Instituted.	Total.		Ex parte.	By confession.	By compromise and consent.	By arbitration.	Total.	In whole.	In part.	In favor of defendants, objectors or insolvents.	Total.		Contested.	Uncontested.	Number of parties to appear in person.	Number of parties who appeared.		
Small Cause Courts ...	308	12,024	12,332	1,740	1,924	3,255	2,062	73	7,320	1,290	334	804	2,937	296	11·4	10·4	30	20	20,040	16,180
Paid Sub divisional Tribunals ..	716	30,032	30,748	5,410	4,921	8,012	4,802	236	18,971	2,418	1,822	1,605	5,845	532	20·9	13·7	12	11	30,135	23,026
District Courts other than Chief Courts of District ..	804	29,730	30,674	4,886	5,072	7,430	3,761	220	17,383	3,319	2,033	2,221	7,573	830	20·	14·2	34	25	35,891	24,773
Chief Courts of Districts .	7	347	354	60	31	102	11	8	152	60	25	27	122	20	33·7	18·3	4	4	901	754
Total.. 1870	1,835	72,133	74,108	12,106	12,948	19,799	10,636	542	43,736	7,086	4,737	4,657	16,500	1,717	18·9	13·4	86	60	87,976	64,735
Total.. 1869..	1,038	63,137	65,175	15,851	8,803	18,952	6,609	576	34,420	6,007	3,008	3,458	13,373	1,925	20·	10·8	69	52	66,611	53,539

This Statement includes 1,408 suits re-instituted in the Courts, which are not shown in Statement B7.

JUDICIAL STATEMENT B9.

STATEMENT showing the business of the Civil Appellate Courts of the Central Provinces in the year 1870.

Class of Courts.	Cases on the File.			Appeals withdrawn, transferred, or struck off without trial.	Decided on trial.			Remanded for further investigation.	Remanded for new trial.	Total.	Cases pending at end of year.	Average duration of each appeal tried.	Remarks.
	Remaining of last year.	Instituted.	Total.		In favour of appellant. In whole.	In favour of appellant. In part.	In favour of respondent.						
Chief Appellate Courts of District ..	26	895	921	71	210	57	401	*37	65	858	63	18	*Of these cases 49 were finally disposed of within the year, and 18 are included in the number pending.
Superior Appellate Court other than Chief Court of Province	127	803	930	63	128	52	461	6	113	823	133	61	
Chief Court of Province—Special Appeals ...	4	62	66	..	13	..	16	3	17	49	20	52	
Total.. (1870	157	1,790	1,947	139	351	109	877	76	195	1,726	221	40	
Total.. (1869	173	1,399	1,572	105	270	97	755	31	139	1,375	198	56	

JUDICIAL STATEMENT B 10.

STATEMENT showing the execution of Decrees of the Civil Courts of the Central Provinces in the year 1870.

Class of Courts.	Number of decrees passed during the year.	Number of applications for execution.			Number of decrees completely executed.	Number of decrees partially executed.	Number of decrees in which there was no execution.	Pending at end of the year.	Number of cases in which specific performance was enforced.	Number of coercive processes in execution.			
		Pending from last year.	Filed.	Total.						Sales of real property.	Sequestrations of real property.	Sales of personal property.	Imprisonment.
Small Cause Courts	10,287	238	6,686	6,924	1,912	1,639	3,356	287	1	..	...	519	137
Local and Sub-divisional Courts.. ..	24,776	1,090	14,292	15,432	5,693	3,781	4,981	1,022	8	1,902	87	1,543	254
District Courts	24,919	1,007	18,227	19,234	6,609	4,918	6,250	1,457	48	1,487	185	1,540	438
Superior Courts	274	9	180	189	92	33	30	25	2	8	3	15	4
Total.. (1870 ..	60,256	2,344	39,435	41,859	14,341	10,371	14,326	2,791	59	2,397	275	3,617	833
Total.. (1869 ..	47,799	2,427	34,122	36,549	13,117	9,104	11,960	2,369	129	2,411	..	3,502	922

NOTE.—Judicial Statement B 11 is blank for Civil Courts.

No. III.

Statement showing the business of the Civil Appellate Courts of the Central Provinces during the year 1870.

In the Courts of the—			Cases on the File.			Appeals withdrawn, transferred, or struck off without trial	Decided on Trial.			Remanded for further investigation.	Remanded for new trial.	Total.	Cases pending at the close of the year.	Average duration of each appeal tried.
			Remaining from last year.	Instituted during the year.	Total.		In favour of Appellant. In whole.	In favour of Appellant. In part.	In favour of Respondent.					
1			2	3	4	5	6	7	8	9	10	11	12	13
Judicial Commr....		Special ...	4	48	52	..	8	..	12	3	16	36	16	56
		Rent Law...	...	14	14	...	5	..	4	...	1	10	4	35
		Misc. ..	..	11	11	..	5	..	2	..	3	10	1	21
Commissioners.	Nagpur ...	Ordinary ...	17	124	141	4	12	19	69	1	12	116	25	37
		Rent Law..	10	37	47	1	16	2	26	..	1	46	1	64
		Misc. ..	4	31	35	1	4	1	19	..	4	29	6	64
	Jabalpur ...	Ordinary ...	49	161	210	1	15	8	122	...	10	156	54	133
		Rent Law..	12	19	31	2	5	1	18	..	1	27	4	167
		Misc. ...	34	76	110	..	22	..	39	...	2	63	47	120
	Narbada ...	Ordinary ..	22	326	348	43	40	14	140	...	75	312	36	41
		Rent Law...	11	56	67	14	7	2	21	...	14	58	9	46
		Misc. ..	5	44	49	8	9	1	14	...	10	42	7	40
	Chhattisgarh ..	Ordinary ..	5	84	89	2	23	6	51	4	..	82	7	21
		Rent Law..	1	26	27	1	10	..	14	1	..	25	2	27
		Misc. ..	...	2	2	...	...	..	1	...	..	1	1	30
Deputy Commissioners.	Nagpur ...	Regular ..	1	51	52	7	16	4	19	1	2	48	4	20
	Chanda ...	Regular ..	6	36	42	3	9	2	23	...	5	42	...	31
		Misc. ...	...	3	3	..	..	..	3	..	..	3	...	2
	Bhandara ...	Regular ...	...	23	23	..	5	1	13	1	3	23	...	5
	Wardha ...	Regular ...	..	127	127	7	49	9	45	..	8	118	9	16
		Misc. ...	...	9	9	3	1	..	3	..	2	9	..	9
	Balaghat ...	Regular ..	1	17	18	3	4	2	8	..	1	18	..	33
	Jabalpur ..	Regular ..	1	26	27	1	7	1	8	..	8	25	2	13
		Misc. ..	..	1	1	..	..	...	1	...	..	1	...	10
	Sagar ...	Regular ...	2	37	39	6	10	3	19	...	..	38	1	12
		Misc. ...	..	8	8	..	1	..	7	...	...	8	..	10
	Damoh ...	Regular ..	..	8	8	...	4	..	4	..	...	8	..	11
		Misc. ..	...	1	1	..	...	..	..	..	..	1	...	1
	Sconi ...	Regular ...	1	20	21	..	6	1	10	2	1	18	3	23
		Misc. ...	1	1	2	...	..	..	1	..	1	2	...	87
	Mandla ...	Regular ...	...	4	4	1	..	...	1	...	2	4	..	21
	Hoshangabad..	Regular ..	...	139	139	7	17	3	62	41	...	130	9	13
		Misc. ...	...	14	14	2	2	..	8	2	...	14	...	9
	Betul ...	Regular ..	..	40	40	7	14	..	16	8	...	37	3	16
		Misc. ...	...	3	3	1	...	..	..	..	...	1	2	17
	Nimar ...	Regular ..	2	54	56	1	8	8	28	7	4	56	...	24
	Narsinghpur...	Regular ...	10	161	171	18	34	14	76	2	19	161	10	17
		Misc. ..	2	13	15	7	2	.	5	...	1	15	...	13
	Chhindwara...	Regular ...	1	70	71	1	15	2	23	..	9	95	16	22
		Misc. ..	...	9	9	3	...	...	3	..	2	8	1	14
	Raipur ...	Regular ...	..	12	12	...	4	3	3	5	..	10	2	51
		Misc. ...	..	1	1	...	...	..	1	...	..	1	..	8
	Sambalpur ...	Regular ..	..	34	34	2	10	1	20	..	1	34	..	22
	Bilaspur ...	Regular ..	1	29	30	2	3	2	17	...	2	26	4	16
		Misc. ...	..	4	4	3	..	..	1	...	..	4	..	4
	Upper Godi....	Regular ...	...	7	7	5	1	1	...	...	..	7	..	22
Total...		Ordinary ...	123	1,638	1,761	121	314	104	794	75	178	1,560	201	36·7
		Rent Law..	34	152	186	18	43	5	83	1	17	166	20	67·1
		Misc. ...	46	231	277	29	46	2	108	2	25	212	65	57·4
Grand Total....		1870	203	2021	2,224	168	403	111	985	78	220	1,938	286	41·5
		1869	198	1,660	1,858	209	309	101	833	31	141	1,611	248	31

No. IV.

Statement showing execution of decrees in the Civil Courts of the districts of the Central Provinces during the year 1870.

Districts.	Number of decrees passed during the year.	Number of applications for execution.				Number of decrees completely executed.	Number of decrees partially executed.	Number in which there was no execution.	Number of cases in which specific performance was enforced.	Number of coercive processes in execution.				Pending.		
		Pending from last year.	Of decrees of past year.	Of decrees of current year.	Total.					Sales of real property.	Sequestrations of real property.	Sales of personal property.	Imprisonment.	Over 6 months.	Less than 6 months.	Total.
Nagpur ...	4,903	250	1,077	2,177	3,504	1,194	739	1,181	..	469	22	370	47	..	390	390
City Small Cause Court, Nagpur ...	4,209	103	835	2,118	3,056	993	336	1,609	..	..	..	255	64	..	118	118
Cantonment Small Cause Court, Kamthi ..	3,026	78	796	1,362	2,236	511	701	926	..	..	..	104	19	..	104	104
Chanda ...	2,388	87	420	874	1,381	608	293	354	..	40	2	251	14	1	125	126
Bhandara ...	3,276	289	870	1,496	2,655	951	727	679	..	296	16	450	34	..	298	298
Wardha ...	3,361	110	631	1,387	2,128	833	336	757	2	88	6	216	116	1	201	202
Balaghat ...	630	77	130	199	406	163	93	103	..	6	..	68	16	..	47	47
Jabalpur ..	1,461	55	765	685	1,505	464	423	495	23	217	26	62	28	..	123	123
City Small Cause Court, Jabalpur ...	1,884	44	413	692	1,149	218	454	424	..	..	..	121	13	..	53	53
Cantonment Small Cause Court, Jabalpur...	400	7	66	178	251	85	111	50	..	..	..	19	13	..	5	5
Sagar ...	3,330	128	1,678	872	2,678	650	812	1,078	2	191	50	82	36	..	138	138
Cantonment Small Cause Court, Sagar ...	645	4	78	105	187	102	32	49	1	..	..	6	28	..	4	4
Damoh ...	1,626	55	512	472	1,039	374	336	238	3	85	42	82	36	..	91	91
Seoni ...	1,728	60	477	605	1,142	316	332	410	..	66	16	108	49	..	84	84
Mandla ..	497	6	70	110	186	65	83	29	..	32	1	20	14	..	9	9
Hoshangabad ...	5,355	193	2,465	1,657	4,315	1,144	878	2,007	14	210	4	256	88	9	277	286
Betul ...	2,236	96	581	848	1,525	486	444	486	..	98	7	65	16	3	106	109
Nimar ..	6,481	272	812	2,317	3,401	2,088	371	723	..	139	..	197	83	14	205	219
Cantonment Small Cause Court, Asirgarh..	123	2	9	34	45	33	5	4	..	..	..	4	..	..	3	3
Narsinghpur ...	4,485	211	2,179	2,265	4,655	1,197	1,434	1,889	..	332	81	292	63	..	135	135
Chhindwara ...	3,204	125	527	1,147	1,799	744	698	279	7	169	..	209	18	..	78	78
Raipur ..	2,347	36	444	965	1,445	525	482	379	..	27	..	206	12	..	59	59
Sambalpur ...	858	11	82	248	341	210	57	44	1	15	..	20	8	..	30	30
Bilaspur ...	1,519	44	196	450	690	312	179	126	5	16	..	114	15	1	72	73
Upper Godavari District ...	202	1	14	95	110	75	15	13	1	..	2	30	3	..	7	7
Total 1870	60,286	2,344	16,127	23,358	41,829	14,341	10,371	14,826	59	2,497	275	3,607	833	29	2,762	2,791
Total 1869	47,799	2,427	15,177	18,945	36,549	13,117	9,104	11,969	129	2,411	1,964	3,592	922	5	2,354	2,359

No. VI.

Statement showing the Miscellaneous Work of the Civil Courts in the Central Provinces during the year 1870.

Division.	Nature of Case.	Cases on the file			Disposed of			Pending.			Remarks.
		Pending at the close of last year.	Instituted during the year.	Total	Decided on their merits	Struck off in default.	Total	For more than two months.	Since December	Total.	
1	2	3	4	5	6	7	8	9	10	11	12
District Courts.	Claim to attached property	24	2,859	2,883	2,294	510	2,804	2	77	79	
	Contempt of Court...	..	18	18	16	2	18	..	..	..	
	Claim to foreclose or redeem a mortgage	2	1	3	1	2	3	..	..	..	
	Claim to sue as pauper	5	232	237	165	69	234	..	3	3	
	Miscellaneous applications or proceedings other than the above	4	6,345	6,349	5,749	574	6,323	3	23	26	
	Total ... ... 1870 ...	35	9,455	9,490	8,225	1,157	9,382	5	103	108	
	Total ... ... 1869 ..	7	8,623	8,630	8,245	349	8,594	3	33	36	
Courts of the Commissioner.	Claim to attached property	..	8	8	7	1	8	..	..	..	
	Claim to sue as pauper...	3	13	16	11	1	12	..	4	4	
	Proceedings on miscellaneous subjects from lower Courts ...	3	176	179	83	90	173	..	6	6	
	Miscellaneous petitions	..	72	72	72	..	72	..	..	..	
	Total ... ... 1870 ...	6	269	275	173	92	265	..	10	10	
	Total ... ... 1869 ...	2	138	140	59	70	129	..	4	4	

Statement No. VIII.—(Civil.)

General Statement regarding the work of each officer employed in the Central Provinces during the year 1870.

[D. C. signifies Deputy Commissioner; A. C., Assistant Commissioner; E. A. C., Extra-Assistant Commissioner; J., S. C. Ct., Judge, Small Cause Court; J., C. S. C. Ct., Judge, Cantonment Small Cause Court; T., Tahsildar; N. T., Naib Tahsildar; R., Registrar (Small Cause Court), and O. before any such abbrevation signifies Officiating.]

Period of employment.		Name and designation of Officer.	Number of regular suits and appeals disposed of.	Cases of execution of decree or claims to attached property.	Average duration of regular suits and appeals.
Months.	*Days.*	NAGPUR.			
11	..	Major F. A. Fenton, D. C. ...	62	21	20
1	..	Capt. J. A. Temple, O. D. C. ..	4	..	20
3	24	Capt. J. A. Temple, A. C. ..	2	3	31
8	21	Capt. E. A. Pemberton, A. C. ..	15	1	34
6	12	L. Neill, Esq., A. C. ..	20	73	26
8	24	S. H. Hennessy, Esq., E. A. C. ..	606	721	19
9	15	M. Bakhtawar Singh, E. A. C. ..	902	948	19
8	25	Bapaji Balkrishna, T. ..	498	270	11
2	22	Seoraj Singh, O. T. ...	124	96	9
10	7	Yado Rao Sakharam, T. ..	774	365	14
12	...	Ganpat Rao Malhar, T. ..	472	292	13
1	21	Sadaseo Mahipat, N. T. ..	80	54	11
10	21	Ragho Mairal, N. T. ..	394	212	16
12	...	Ramkrishna Kesho, N. T. ..	617	201	22
12	..	Sakharam Mahipat, N. T. ..	1,178	362	12
12	...	Lieut.-Col, F. L. Magniac, J., S. C. Ct.	2,081	1,683	15
8	15	Mr. Dinkar Rao, R. ..	1,988	968	12
..	10	Mr Dadaji Jaywant, O. R. ..	95	29	14
3	5	Mr. Bapaji Balkrishna, O. R. ...	652	375	10
9	...	Capt. T. H. B. Brooke, J., C. S. C. Ct.	792	578	10
3	...	Capt. E. A. Pemberton, O. J., C. S. C. Ct.	279	201	8
12	...	Mr. Ghulam Mustafa, R. ..	2,422	1,353	7
		CHANDA.			
4	6	Major C. B. L. Smith, D. C. ..	13	..	73
2	...	J. F. Beddy, Esq., O. D. C. ..	11	1	25
5	25	Capt. M. P. Ricketts, D. C. ..	28	2	27
4	7	J. F. Beddy, Esq., A. C. ..	84	32	26
2	18	Capt. W. Vertue, A. C. ..	32	26	25
2	5	S. H. Hennessy, Esq., E. A. C. ...	33	18	45
9	7	F. H. Prior, Esq., E. A. C. ..	155	85	31
7	10	M. Gur Parshad, O. E. A. C. ..	540	336	22
12	...	M. Ramdayal, Dy. Col. ..	16	...	51
10	2	Nago Rao, T. ..	688	250	18
2	29	Krishnaji Narayan, O. T. ..	144	75	33
10	17	Narayan Rao, T. ...	334	131	20
5	..	Raghunath Rao Mundhe, T. ...	361	235	12
6	6	Madho Rao Jagannath, T. ..	257	153	17
		BHANDARA.			
12	...	H. Read, Esq., D. C. ..	24	..	8
..	9	L. Neill, Esq., A. C. ..	38	39	33
11	22	D. A. Cameron, Esq., E. A. C. ..	1,323	846	16
5	28	Madhava Rao Pandurang, T. ..	635	589	15
4	8	Krishna Rao Rajeshwar, T. ...	301	260	9
1	15	Lakhmichand, T. ..	226	171	11
8	27	Balkrishna Martand, T. ...	447	253	8

Statement No. VIII.—*(Civil) continued.*

Period of employment.		Name and designation of Officer.	Number of regular suits and appeals disposed of.	Cases of execution of decree or claims to attached property	Average duration of regular suits and appeals.
Months.	*Days.*	BHANDARA *(continued)*			
3	16	Ragho Lakshman, T. ..	186	110	7
6	18	Nilkant Rao, T. ..	439	294	8
		WARDHA.			
2	19	Capt. M. P. Ricketts, D. C. ..	14	1	20
3	25	Capt. J. A. Temple, O. D. C. ..	36	5	16
5	21	Lieut.-Col. H. F. Waddington, D. C. ..	92	10	11
5	7	J. F. Muir, Esq., A. C. ..	85	78	24
2	19	Lieut. H. H. Hallett. A. C. ..	222	149	20
9	3	T. E. Ellison, Esq., A. C. ..	936	532	15
..	13	S. H. Hennessy, Esq, E. A. C. ..	59	23	23
..	20	Mr. M. B. Tul Singh, E. A. C. ..	30	8	26
5	12	Mr. Mohammad Budhon, E A. C. ..	416	166	12
1	16	Mr. Rai Debi Parshad, E. A. C. ...	54	38	22
2	8	Bhaskar Rao Sadasheo, T. ..	197	83	20
9	27	Balwant Rao Narayan, T. ..	845	357	14
4	14	Nilkant Rao Vyankatesh, T. ..	2	1	12
5	19	Krishna Rao Rajeshwar, T. ..	438	189	11
6	4	Mahadeo Rao Pandurang, T. ..	340	176	17
7	5	Ganpat Lal, N. T. ..	565	110	10
		BALAGHAT.			
12	..	Captain A. Bloomfield, O. D. C. ...	22	1	30
10	15	Mr. Abdul Rahim, E. A. C. ...	272	166	22
11	28	M. Keshava Seoram, O. E. A. C. ...	212	141	33
1	13	Balwant Narayan, T. ...	68	73	22
12	..	Ganpat Rao, N. T. ...	184	25	19
		JABALPUR.			
3	12	W. B. Jones, Esq., D. C. ..	3	..	25
8	6	J. W. Chisholm, Esq, D. C. ..	30	11	28
3	6	Capt. R. M. B. Thomas, A. C. ..	1	...	69
12	..	G. J. Nicholls Esq., A. C. ..	713	981	20
9	..	W. A. Nedham, Esq., A. C. ..	1	..	8
12	..	Mr. Rai Sukh Lal, E. A. C. ..	..	8	..
8	27	Abdul Mujid, T. ..	239	126	19
12	..	Banwari Lal, T. ..	241	139	12
2	11	Seodayal Singh, T. ..	12	20	34
..	22	Siraj-ul-Husen, N. T. ..	22	6	9
9	..	Subha Chand, N. T. ..	481	242	11
12	.	Capt T. Wakefield, J., S. C. Ct. ..	2,430	1,149	12
3	4	Capt H. I. Lugard, J., C. S. C. Ct. ..	119	77	5
..	20	Capt T. Wakefield, O. J., S. C. Ct. ..	32	8	11
...	29	Capt T. W. Hogg, O. J., C. S. C. Ct. ..	30	20	6
7	7	Capt. R. M. B. Thomas, J., C. S. C. Ct.	219	150	8
		SAGAR.			
12	..	Capt. H. C. E. Ward, D. C. ..	53	5	14
10	20	M. Seo Parshad, E. A. C. ...	181	174	14
11	13	H. E. M. Impey, Esq., E. A. C. ..	11	3	15
12	..	M. Saiyad Ahfad Husen, E. A. C. ..	1,225	1,203	15
12	...	S. Madad Imam, T. ...	447	279	10
12	..	Debi Parshad, T. ..	567	471	20
9	12	M. Mehdi Husen, T. ..	53	32	10
12	...	Saiyad Asud Ali, T. .	636	144	16

Statement No. VIII.—*(Civil) continued.*

Period of employment.		Name and designation of Officer.	Number of regular suits and appeals disposed of.	Cases of execution of decree or claims to attached property.	Average duration of regular suits and appeals.
Months.	*Days.*	SAGAR *(continued).*			
6	...	Lukhpat Rai, N. T. ..	552	257	19
6	28	Zahur-ul-Husen ..	335	186	24
12	..	Lieut.-Col. H. T. Bartlett, J., C. S. C. Ct.	681	186	7
		DAMOH.			
12	...	Capt C. H. Grace, D. C. ..	15	1	10
11	..	Mr. Aulad Husen, A. C. ..	1,150	712	11
1	...	W. A. Nedham, Esq., A. C. ..	97	42	10
12	..	M. Takhat Singh, T. ..	459	235	16
		SEONI.			
12	...	S. Brooke, Esq., D. C. ..	41	4	20
12	..	I. P. Goodridge, Esq., A. C. ..	143	82	19
12	...	Maulavi Ali Husen Khan, E. A. C. ..	857	467	17
12	..	Balwant Rao, T. ..	..	79	...
12	...	Mohammad Abudulla, T. ..	672	398	17
12	...	Mirza Ali, T. ..	462	109	14
		MAN.			
12	..	Major J. C. Wood ..	7	..	24
7	10	Mr. N. K. Bose, E. A. C. ..	290	75	13
4	7	T. Crawley, Esq., E. A. C. ..	184	64	12
12	..	Kabir-ud-din Husen, T. ..	110	25	11
12	...	Maksad-ul-Husen, T. ..	68	21	10
		HOSHANGABAD.			
8	21	Colonel J. B. Dennys, D. C. ..	80	4	17
3	9	Capt. C. H. Plowden, D. C. ..	85	17	13
8	16	J. H. MacGeorge, Esq., A. C. ..	952	414	17
4	6	R. Logan, Esq., A. C. ..	672	431	13
..	24	M. Seo Parshad, E. A. C. ..	52	53	21
11	7	H. L. Dennys, Esq., E. A. C. ..	1,167	912	17
11	...	M. Liladhar, E. A. C. ..	362	255	15
1	27	M. Sultan Ali, E. A. C. ..	130	120	10
12	..	Mohammad Ali, T. ..	1,748	998	17
3	28	Ajodhya Parshad, T. ..	154	98	31
12	...	Ramdayal, T. ..	773	384	10
7	7	Seolal Dube, T. ..	737	339	13
		BETUL.			
6	8	Lieut.-Col. H. F. Waddington, D. C. ..	23	..	13
5	23	Major C. L. R. Glasford, D. C. ..	14	..	19
12	..	Pandit Gopal Rao, E. A. C. ..	1,326	667	18
4	5	Ram Charn Lal, T. ..	1	...	12
12	...	Kali Charn, T. ...	1,093	621	14
4	18	Bansidhar, N. T. ..	324	128	12
		NARSINGHPUR.			
1	9	Capt C. H. Plowden, D. C. ..	37	3	13
7	6	Capt J. Loch, D. C. ..	78	3	22
2	20	J. F. Beddy, Esq., D. C. ..	44	..	23
...	26	Capt. R. M. B. Thomas, D. C. ..	21	...	26

Statement No. VIII.—*(Civil) continued.*

Period of employment.		Name and designation of Officer.	Number of regular suits and appeals disposed of.	Cases of execution of decree or claims to attached property.	Average duration of regular suits and appeals.
Months.	*Days.*	NARSINGHPUR *(continued).*			
..	17	T. E. Ellison, Esq., A. C. ..	16	50	20
10	14	F. St. C. Williams, Esq , E. A. C. ..	2,387	2,443	15
...	30	Mr. Nobin Chandar Banarji, E. A. C.	73	126	12
..	17	Vyankat Rao, T. ..	41	19	22
4	18	Seolal Dube, T. ..	497	434	20
7	13	Ram Charn Lal, ..	1,02\	1,117	21
5	...	Kishori Lal, T. ..	143	141	12
7	..	Bansidhar, T. ..	277	166	12
7	28	Lachhmidhar, N. T. ..	1,235	198	16
		NIMAR.			
6	28	Capt J. Forsyth, D. C. ..	37	12	28
...	13	Capt Plowden, O. D. C. ..	6	1	27
4	17	Capt J. L. Loch, D. C. ..	215	...	100
4	27	A. B. Ross, Esq., A. C. ..	873	326	25
1	7	Capt Plowden, A. C. ..	307	136	14
5	2	L. Neill, Esq., A. C. ..	820	539	17
12	...	Zain-ul-Abdin Khan, E A. C. ..	2,564	2,178	18
8	7	Capt E. W. C. H. Miller, A. C. ..	190	72	18
...	23	A. B. Ross, Esq., A. C. ..	82	8	23
3	...	J. Lloyd, Esq., E. A. C. ..	421	208	30
3	13	Babu Nobin Kristo Bos, E. A. C. ..	350	162	8
3	23	Madho Rao, O. E. A. C. ..	884	173	18
8	7	Madho Rao, T. ..	124	4	17
12	...	Govind Rao Gunesh, T. ..	660	500	22
7	28	Balwant Rao, T. ..	295	116	13
4	5	Balwant Rao Gangadhar, T. ..	295	110	14
		CHHINDWARA.			
9	...	Major E. M. Playfair, D. C. ..	36	1	22
3	...	J. H. MacGeorge, Esq., O. D. C. ..	22	...	23
9	22	Lieut. F. B. Morris, A. C. ..	1,109	529	13
3	..	Mir Sultan Ali, E. A. C. ..	412	251	10
1	17	R. Logan, Esq , A. C. ..	627	206	12
7	23	Amrit Rao, T. ...	642	268	10
9	22	Ghulam Mohammad Khan, T. ..	1,068	507	14
2	9	Amir Khan, T. ..	123	97	11
		RAIPUR.			
2	13	W. Chisholm, Esq., D. C. ...	2	...	4
6	15	Capt H. I. Lugard, O. D. C. ..	14	1	45
1	21	Capt J. Temple, O. D. C. ..	..	1	...
12	..	Mr. Bireswar Datt, E. A. C. ...	2,323	1,264	11
8	15	Maulavi Ashfaq Husen, E. A. C. ..	17	6	16
4	8	T. Crawley, Esq., E. A. C. ...	1	...	6
4	17	Ajodhya Parshad, T. ..	112	38	15
3	23	Hira Lal, T. ...	66	16	17
11	22	Mohammad-ul Hasan, T. ..	349	89	13
2	4	Mumtazoodin Hosen, T. ..	27	4	8
6	26	Mahfuzul Bari, T. ...	87	38	7
		SAMBALPUR.			
11	17	Capt. M. M. Bowie, O. D. C. ..	48	9	20
..	14	Capt. M. M. Bowie, A. C. ...	...	1	...
7	29	A. M. Russell, Esq., A. C. ..	51	32	17

Statement No. VIII.—*(Civil) continued.*

Period of employment.		Name and designation of Officer.	Number of regular suits and appeals disposed of.	Cases of execution of decree or claims to attached property.	Average duration of regular suits and appeals.
Months.	*Days.*				
		SAMBALPUR *(concluded).*			
12	..	Balmukund Putnaik, T. ..	301	115	12
12	..	Sattyabadi Pan[illegible], T. ..	490	151	10
		BILASPUR.			
9	7	Capt J. Ducat, D. C. ...	26	4	16
1	18	J. F. Beddy, Esq., O. ..	2	1	20
8	8	Capt W. L. I[illegible]rre, ..	568	213	19
2	27	Munshi Gur[illegible] ...	149	62	16
..	17	Mr. S. N. Bos, ...	66	45	18
...	10	Maulavi Saiyu[illegible]n, E. A. C.	12	1	13
12	..	Abdul Subh[illegible] ...	684	159	12
10	14	Krishen Ra[illegible] ...	321	123	15
1	14	Kashi Pars[illegible] ...	29	9	16
		UPPER GO[illegible]TRICT.			
...	20	J. F. Beddy ..	11	..	6
11	10	Lieut.-Col. [illegible] ...	152	62	13
10	..	J. Hornby, Es[illegible] ..	122	35	17